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LABOR LAWS

OF THE

STATE OF LOUISIANA

1922

Louisiana. laws, statutes, etc. labor law
STATE OF LOUISIANA

**BUREAU OF LABOR
AND INDUSTRIAL STATISTICS**

**LABOR LAWS OF THE ^{CF}
STATE OF LOUISIANA**

1922

PREPARED AND PRINTED BY THE
DEPARTMENT OF LABOR



STANDARD PRINTING CO., INC.


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FOREWORD

Previous to this publication the Department of Labor and Industrial Statistics has never compiled or had printed State laws applicable to labor, and the compilation of same has consumed much time and labor. While it is possible there may be some slight omissions, as a whole, we feel it is the most complete and up-to-date digest now available, and know it contains all of the most important laws up to and including the last session of the Legislature, which was held during the year of 1922.

With the view of assisting in every way possible the location of any particular subject, we have sub-divided the laws and placed all laws of the same or similar nature under their respective sub-divisions, arranging the subject titles alphabetically.

*Bureau of Labor and Industrial Statistics,
626 Maison Blanche Annex, New Orleans, La.*

*FRANK E. WOOD,
Commissioner.*

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**BUREAU OF LABOR AND STATISTICS;
COMMISSIONER CREATED**

Act 79 of 1900, P. 129

**(As amended by Act 155 of 1908, P. 210; Act 186 of 1914, P. 351;
Act 232 of 1918, P. 417, and Act 144 of 1920, P. 222)**

TITLE.

AN ACT to create the Bureau of Labor and Industrial Statistics of the State of Louisiana, to provide for the appointment of a commissioner to be known as Commissioner of Labor and Industrial Statistics of Louisiana, prescribing his powers and duties, fixing his compensation and authorizing him to appoint deputies and to define their duties and providing a penalty for violation thereof.

Creating Commissioner of Labor and Industrial Statistics, Etc.

SECTION 1. (As amended by Act 186, 1914, p. 351.) Be it enacted by the General Assembly of the State of Louisiana, That the Governor shall, by and with the advice and consent of the Senate, appoint some suitable person who shall be designated "Commissioner of Labor" and said Commissioner of Labor shall appoint with the approval of the Governor two suitable persons who shall be designated "Assistant Commissioners of Labor," said assistant commissioners shall be residents of different sections of the State from each other and from the Commissioner of Labor. The headquarters of such Commissioner and Assistant Commissioners shall be fixed at such place as the Governor shall designate and they shall hold their offices for a term of four (4) years. The Assistant Commissioners of Labor shall perform their duties under the direction and orders of the Commissioner of Labor.

Duties of Commissioner and Assistants

Sec. 2. (As amended by Act 186, 1914, p. 351.) Be it further enacted, etc., That the duties of said Commissioner and said Assistant Commissioners shall be to visit and inspect manufacturing establishments, work-shops, mills, mercantile establishments, factories and other places where industrial work is being done for the purpose of enforcing the laws regulating or dealing with the conditions of employment of labor of any kind, and to prosecute all persons, firms, associations or corporations violating the labor laws of the State. It shall be the duty of such Commissioner and Assistant Commissioners to collect, assort, systematize, and present annual reports to the Governor to be by him biennially transmitted to the General Assembly, within ten days after the convening thereof, statistical data relating to all departments of labor in the State, especially such data as relate to the commercial, industrial, social, educational and sanitary conditions of the laboring people and to the permanent prosperity of the productive industries of the State. It shall also be the duty of said Commissioner and Assistant Commissioners and they shall have authority to inquire into the causes of strikes, lockouts, or other disturbances of the relation of employers and

employees and to report to the Governor at as early a date as possible thereafter the result of such inquiry.

Powers of the Commissioner; May Administer Oaths

Sec. 3. (As amended by Act 186 of 1914, p. 351.) Be it further enacted, etc., That the Commissioner and his Assistant Commissioners shall have power to take and preserve evidence, examine witnesses under oath and administer same, and in the discharge of his duties may enter any public institution of the State, and at reasonable hours any factory, mill, work-shop, mercantile establishment or other places where labor may be employed. In the City of New Orleans the Mayor shall appoint a factory inspector who may be either male or female. The Commissioner and each Assistant Commissioner shall have power to investigate all cases where violations of the laws pertaining to the conditions of employment of labor is complained of; and it is hereby made the duty of said Commissioner and Assistant Commissioners to order the criminal prosecution in any court of competent jurisdiction of any person, firm, association or corporation, acting in violation of any laws of this State, regulating the conditions of the employment of labor.

State, Parochial and Municipal Authorities to Co-operate

Sec. 4. Be it further enacted, etc., That all State, parochial, municipal and town officers are hereby directed to furnish said Commissioner, upon his request, all statistical information in reference to labor and industries, which may be in their possession as such officers.

Misdemeanor to Impede the Commissioner or Assistants, etc.

Sec. 5. (As amended by Act 186 of 1914, p. 351.) Be it further enacted, etc., That any person who shall wilfully impede or prevent the Commissioner or Assistant Commissioners in the full and free performance of his or their duties shall be deemed guilty of a misdemeanor and upon conviction of the same shall be fined not less than ten (\$10.00) dollars, nor more than twenty-five (\$25.00) dollars or be imprisoned not less than five (5) days or more than twenty-five (25) days in the parish jail, or both, at the discretion of the court.

Salaries and Appropriations

Sec. 6. (As amended by Act 232 of 1918 and Act 144 of 1920.) Be it further enacted, etc., That the Commissioner shall receive a salary of three thousand (\$3,000.00) dollars per annum, and each Assistant Commissioner a salary of eighteen hundred (\$1,800.00) dollars per annum. The Commissioner shall employ a secretary at a salary of twelve hundred (\$1,200.00) dollars per annum. The Commissioner and Assistant Commissioners shall be allowed the sum of six hundred (\$600.00) dollars per annum for office expenses and the sum of not to exceed twenty-five hundred (\$2,500.00) dollars per annum for traveling expenses and all other necessary expenses incurred in the performance of their duties. All of said amounts for salaries and expenses shall be payable out of the general fund upon the warrant of the Commissioner.

Repealing Clause

Sec. 7. Be it further enacted, etc., That all laws or parts of laws in conflict herewith are repealed.

When in Effect

Sec. 8. Be it further enacted, etc., That this Act shall take effect from the date of its promulgation.

**EMPLOYMENT OF CHILDREN AND WOMEN;
FACTORY INSPECTOR CREATED**

Act 301 of 1908, P. 453

(As amended by Act 133 of 1916, P. 248, and Act 177 of 1916, P. 407.)

TITLE

AN ACT to regulate the employment of children, young persons and women in this State; to provide for the issuance of age certificates; to provide necessary regulations for sanitary conditions and mechanical devices in mills, factories, mines and packing houses, hotels or restaurants, manufacturing establishments, work-shops, laundries, millinery or dress making, or mercantile establishments, or in any theatre or concert hall, or in or about any place of amusement where intoxicating liquors are made or sold, or in any bowling alley, bootblacking establishment, freight or passenger elevators, or in the transmission or distribution of messages, either telegraph or telephone, or any other messages, or merchandise, or in any other occupation, not herein enumerated which may be deemed unhealthful or dangerous, and to provide for the appointment of a factory inspector in the City of New Orleans by the mayor, with the consent of the city council, and fixing penalties for the violation of this act.

**Prohibiting the Employment of Children Under Fourteen Years, etc.;
Penalty.**

SECTION 1. (As amended by Act 133, 1914, p. 248.) Be it enacted by the General Assembly of the State of Louisiana, That from and after the passage of this Act it shall be unlawful for a person, agent, firm, company, co-partnership or corporation to require or permit, or suffer or employ any child under the age of 14 years to labor or work in any mill, factory, mine, packing house, manufacturing establishment, work-shop, laundry, millinery or dressmaking stores or mercantile establishments, or hotel, or restaurants or in any theatre or concert hall or in or about any place of amusement where intoxicating liquors are made or sold or in any bowling alley, bootblacking establishment, freight or passenger elevator or in the transmission or distribution of messages, whether telegraph or telephone or any other messages, or merchandise or in any other occupation whatsoever, provided that the provisions of this Act shall not affect Act 176 of 1908.

The provisions of this Act shall not apply to agricultural pursuits. Any violations of this Act shall be punishable by a fine of not less than \$25.00 or more than \$50.00 or by imprisonment in the parish jail (parish prison in New Orleans) for not less than 10 days or more than 6 months or both at the discretion of the court.

Age Certificates, By Whom Issued

Sec. 2. Be it further enacted, etc., That the State Factory Inspector or any factory inspector appointed by the Mayor of the City of New Orleans with the consent of the Council acting in conjunction with

the Board of Health and School Board in the parish shall have full power to issue an age certificate to minors over 14 years and under 16 years of age seeking employment in any part of this State. Provided, however, that no person authorized to issue an age certificate as hereafter provided shall have authority to approve such certificate for any child then in or about to enter his own establishment, or the employment of a firm or corporation of which he is a member, officer or employee.

Record To Be Kept; Penalty

The persons approving these age certificates shall have authority to administer the oath provided therein, but no fee shall be charged therefor. Every person issuing or approving these age certificates shall keep a record of the same, and shall forward to the office of the State Factory Inspector a duplicate of each certificate issued or approved. All such age certificates shall be subject to review by the State or other Factory Inspector, and may by him or her be canceled if he or she finds that such certificates may have been obtained through fraud, misrepresentation or falsification of facts, and whoever shall obtain or assist in obtaining such age certificates by fraud, misrepresentation or falsification of facts, is hereby declared to be guilty of a misdemeanor and on conviction before a court of competent jurisdiction shall be fined not less than \$10 or more than \$50.00. In such cases the Factory Inspector shall give written notice to the employer, who shall at once cause the minor affected to be dismissed from employment. Printed forms of the age certificates hereinafter provided shall be furnished by the State Factory Inspector upon request made by persons authorized to issue them. An age certificate shall not be approved unless satisfactory evidence is furnished by a certificate of birth or baptism of such child, the register of birth of such child with an officer of a city or town designated to keep a register of births, or by the records of the public or parochial school attended by such child, that such child is of the age stated in the certificate, or by a certified copy of their passport from the Commissioner of Immigration; provided, that in cases where the above proof is not obtainable, the parent, guardian or custodian of the child shall make an oath before the State Factory Inspector, or any Factory Inspector, or before a Juvenile or District Court as to the age of such child, and the State Factory Inspector, or any Factory Inspector, or the Court, may issue to such child an age certificate as sworn to. A duplicate of such age certificates shall be filled out and shall be forwarded to the office of the State Factory Inspector. The age certificate shall be printed and shall be filled out, signed and held or surrendered in the following forms:

AGE CERTIFICATES

This certifies that I am (father, mother, guardian or custodian) of (name of minor) and that (he or she) was born at (name of town or city) in the (name of parish, if known) and (state of) on the (date of birth and year of birth) and is now (number of years and months) old.

(Signature of parent, guardian or custodian.)

(City or town and date.)

There personally appeared before me the above named (name of person signing) and made oath that the foregoing certificate by (him or her) signed, is true to the best of (his or her) knowledge. I hereby approve the foregoing certificate of (name of child), height (feet and inches), weight, complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of age therein certified.

Owner of Certificate. This certificate belongs to (name of child and in whose behalf it is drawn), and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same, but if not claimed by said child within thirty days from such time, it shall be returned to the office of the State Factory Inspector for cancellation.

(Signature of person authorized to approve and sign with official character of authority.)

(Town or city and date.)

Authority Given Factory Inspectors to Enforce This Act

Sec. 3. Be it further enacted, etc., That it shall be the duty of the Commissioner of Labor and Industrial Statistics and his deputies, and such Factory Inspectors as will be appointed in incorporated cities and towns by the Mayor, with the consent of the Council, and in parishes, by the Police Jury, and they are hereby authorized and empowered to visit and inspect, at all reasonable times and as often as possible all places enumerated in Section 1 of this Act, and to file complaint in any Court of competent jurisdiction to enforce the provisions of this Act, and it shall be the duty of the Parish or District Attorney to appear and prosecute all complaints so filed.

Ten Hours a Day's Work; Certain Exceptions; Meal Hour; Penalty

Sec. 4. (As amended by Act 177, 1916; p. 407.) Be it further enacted, etc., That no child or person under the age of 18 years, and no woman shall be employed in any of the places and industries enumerated in Section 1 of this Act for a longer period than ten hours per day of 60 hours per week. There shall be one hour allowed each day for dinner, but such dinner time shall not be included as part of the working hours of the day. In case two-thirds of the employees so desire time for dinner may be reduced at their request to not less than thirty minutes. Provided that this shall not apply to persons working in stores and mercantile establishments on Saturday nights in which more than five persons are employed. Any violation of this provision shall be punishable by a fine of not less than \$25 nor more than \$50, or by imprisonment in the parish jail (parish prison in New Orleans) for not less than 10 days nor more than 6 months, or both, in the discretion of the Court.

Hours of Employment Regulated; Penalty

Sec. 5. (As amended by Act 177, 1916, p. 407.) Be it further enacted, etc., That no boy under the age of 16 years and no girl under the age 18 years shall be employed at any work before the hour of 6 in the

morning or after the hour of 7 at night. Provided that this shall not apply to persons working in stores and mercantile establishments on Saturday nights in which more than five persons are employed. Any violation of this provision shall be punishable by a fine of not less than \$25 nor more than \$100, or by imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than six months, or both, in the discretion of the Court.

List of Employees under Eighteen to be Posted

Sec. 6. Be it further enacted, etc., That every person, firm, or corporation, agent or manager of a corporation employing or permitting or suffering to work five or more children under the age of 18 years and over the age of 14 years in all places of business or establishments or occupations enumerated in Section 1 shall post and keep posted in a conspicuous place in every room in which such help is employed or permitted or suffered to work a list containing the names, age and place of residence of every person under the age of 18 years employed, permitted or suffered to work in such room, and it shall be unlawful for any person, agent, firm, company, copartnership, corporation or manager of a corporation to require or permit or suffer or employ in any mill, factory, mine or packing-house, manufacturing establishment, work-shop, store, laundry, millinery, dressmaking or mercantile establishment in which more than five persons are employed, or any theatre, concert hall or in or about any place of amusement where intoxicating liquors are made or sold, in any bowling alley or bootblackening establishment, or in any place where messages are transmitted or distributed, or in any other occupation not herein enumerated which may be deemed unhealthful or dangerous, any child over the age of 14 years until an age certificate, approved as hereinabove provided, has been produced and placed on file in any such establishment or place of employment as heretofore mentioned in this section. Provided, further, however, that immediately upon the employment of any child in any of the places enumerated in this Act the manager, superintendent, owner or agent shall notify in writing, the Factory Inspector of the employment of said child in the event proper age certificate is not filed, but such establishment or place of employment must procure from said child within five days from employment the age certificate provided for in this Act. Any violation of this section shall be punishable by a fine of not less than \$25 nor more than \$50 or by imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than six months, or both in the discretion of the Court.

Misrepresenting Age of Child; Penalty

Sec. 7. Be it further enacted, etc., That any parent or guardian or person or persons having control of or being responsible for the care of any child or person under the age of 16 who shall sign or swear or in any manner make false statement as to the age of said child or person under the age of 16 for the purpose of obtaining employment for said

child or young person shall be deemed guilty of an offense for each violation thereof and upon conviction for the same shall be punished by a fine of not less than \$10 nor more than \$25 or by imprisonment in the parish jail (parish prison in New Orleans) for not less than 10 days nor more than 30 days, or both, in the discretion of the Court.

Inspector May Require Child to Secure Certificate of Age

Sec. 8. Be it further enacted, etc., That any child working in or in connection with any of the aforesaid establishments or in the distribution or transmission of merchandise or messages who appears to the inspector to be under the legal age is required to procure from the city or parish physician a certificate as to the physical fitness of said child to perform the work or service he or she is required to do.

Presence of Child Prima Facie Evidence of Employment

Sec. 9. Be it further enacted, etc., That the presence of any child under 14 years of age in any of the establishments enumerated in Section 1, except during the dinner hour, shall constitute prima facie evidence of his or her employment therein.

Attempting to Deceive Inspector; Penalty

Sec. 10. Be it further enacted, etc., That any owner, manager, supervisor or employee in any of the aforesaid occupations who shall hide or assist to escape or give warning of the approach of the inspector to any child or young person or woman in said establishment shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$5 nor more than \$15 or by imprisonment in the parish jail (parish prison in New Orleans) for not less than 10 days nor more than 30 days, or both, in the discretion of the Court.

Sec. 11. Be it further enacted, etc., That any person, owner, agent, firm, manager, co-partnership or company in charge of any establishment at the time of inspection shall be required to furnish the inspector a true statement of the number of persons employed in such establishment and any person, owner, agent, superintendent, firm, manager, company or co-partnership who shall fail or refuse to furnish such statement or wilfully understate the number of persons employed shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$100 for each offense or imprisonment for not less than ten nor more than thirty days in the parish jail (parish prison in New Orleans) or both in the discretion of the Court.

Factories Must Notify Inspector

Sec. 12. Be it further enacted, etc., That within one month after the occupancy of any factory, workshop or mill or store or other aforesaid occupation or establishment where children, young persons or women are employed the occupant shall notify the inspector in writing of such occupancy. Failure to do this shall constitute a misdemeanor and shall be punishable by a fine of not less than \$10 nor more than \$25 or by imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than thirty days, or both, in the discretion of the Court.

Seats to be Provided for Female Employees

Sec. 13. Be it further enacted, etc., That every person who shall employ any female in any factory, mill, warehouse, manufacturing establishment, workshop or store or any other occupation or establishment hereinabove mentioned shall provide suitable seats, chair or benches for the use of the females so employed, which shall be so placed as to be accessible to said employees and shall permit the use of such seats, chairs or benches by them when they are not necessarily engaged in the active duties for which they are employed, and there shall be provided at least one chair to every three females. Failure to comply with this section shall be punishable by a fine of not less than \$25 nor more than \$50 or imprisonment in the parish jail (parish prison in New Orleans) for not less than ten nor more than thirty days, or both, in the discretion of the Court.

Dressing Room and Conveniences to be Provided; Penalty

Sec. 14. Be it further enacted, etc., That every factory, mill, manufacturing establishment, workshop, warehouse, mercantile establishment or store and all other occupations and establishments hereinabove mentioned in which five or more young persons or women are employed and every such institution in which two or more children, young persons or women are employed shall be supplied with proper wash and dressing rooms and kept in a cleanly state and free from effluvia arising from any drain, privy or other nuisance and shall be provided, within reasonable access, with a sufficient number of proper water closets or privies for the reasonable use of the persons employed and at least one of such closets shall be provided for each twenty-five employees employed and wherever two or more persons and one or more female persons are employed as aforesaid a sufficient number of separate and distinct water closets, earth closets or privies shall be provided for the use of each sex and plainly so designated, and no persons shall be allowed to use any such closets or privies assigned to persons of the other sex, and said closets and privies shall not be locked during working hours. Failure to comply with this section shall be punishable by a fine of not less than \$25 nor more than \$50 or imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than thirty days, or both, in the discretion of the Court.

Stairways, Etc.

Sec. 15. Be it further enacted, etc., That stairways with substantial hand-rails shall be provided in factories, mills and manufacturing establishments for the better safety of persons employed in said establishments. The doors of such establishments shall swing outwardly or slide, as ordered by the Factory Inspector and it shall be neither locked, bolted or fastened during working hours. Failure to comply with this section shall be punishable by a fine of not less than \$25 nor more than \$50 or imprisonment in the parish jail (parish prison

in New Orleans) for not less than ten days nor more than thirty days, or both, in the discretion of the Court.

Painting of Buildings, Etc.

Sec. 16. Be it further enacted, etc., That every factory, mill or workshop in this State where women and children are employed shall be limewashed or painted when deemed necessary and ordered by the health authorities. Failure to comply with this section shall be punishable by a fine of not less than \$25 nor more than \$50 or imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than thirty days, or both, in the discretion of the Court.

Dangerous Employment Prohibited

Sec. 17. Be it further enacted, etc., That no minor or woman shall be required to clean any part of the mill, gearing or machinery in any such establishment in this State while the same is in motion. Failure to comply with this section shall be punishable by a fine of not less than \$25 nor more than \$50 or imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than thirty days or both, in the discretion of the Court.

Closed Hatches; Penalty

Sec. 18. Be it further enacted, etc., That the opening of all hatchways, elevators, and well-holes upon every floor of every manufacturing, mechanical or mercantile establishment or public building where women or children are employed in this State shall be protected by good and sufficient trap doors or self-closing hatches or safety catches or good strong guard rails at least three feet high. Failure to comply with this section shall be punishable by a fine of not less than \$25 nor more than \$50 or imprisonment in the parish jail (parish prison in New Orleans), for not less than ten days nor more than thirty days, or both, in the discretion of the Court.

Fan for Disposing of Dust and Lint; Smoke Consumers; Penalty

Sec. 19. Be it further enacted, etc., That in all establishments in this State where children, young persons or women are employed where any process is carried on by which dust, or smoke or lint is generated the inspector shall have the power and authority to order that a fan, or fans, or some other dust or smoke or lint removing or consuming contrivance or contrivances be so placed as to prevent the inhalation of such dust or smoke or lint by the employees; provided, that two mechanical engineers, one chosen by the inspector and the other by the owner or owners of the establishment, shall agree as to the necessity of such fan or fans or other dust or smoke or lint removing or consuming contrivance or contrivances. Upon the failure of said two mechanical engineers to agree, a third mechanical engineer shall be chosen to arbitrate. Failure to comply with this section shall be punishable by a fine of not less than \$25 nor more than \$50 or imprisonment in the

parish jail (parish prison in New Orleans), for not less than ten days nor more than six months or both, in the discretion of the Court.

Accidents to be Reported; Penalty

Sec. 20. Be it further enacted, etc., That all accidents in manufacturing, mechanical or other establishments or places within this State where children, young persons or women are employed which prevent the injured person or persons from returning to work within two weeks after the injury or which result in death shall be reported semi-annually by the person in charge of such establishment or place to the inspector. Failure to do this shall be deemed a violation of this section and punishable by a fine of not less than \$5 nor more than \$10 or imprisonment in the parish jail (parish prison in New Orleans), for not less than twenty-four hours nor more than ten days, or both, in the discretion of the Court.

City to Provide Office Room for Inspector

Sec. 21. Be it further enacted, etc., That it shall be the duty of the city or town or parish employing an inspector or inspectors to provide a suitable office for same and pay for all necessary expenses incurred in the discharge of the duties of said office.

Annual Report

Sec. 22. Be it further enacted, etc., That there shall be an annual report of inspections made and all work and expenses in connection with said office forwarded to the Commissioner of Labor and incorporated towns and cities to the mayor and council of the cities and towns employing said inspector or inspectors.

Factory Inspector, New Orleans; Salary

Sec. 23. (As amended by Act 61, 1912, p. 72.) Be it further enacted, etc., That the mayor of the City of New Orleans, with the consent of the council, shall appoint a factory inspector, who may be either male or female, to see that the regulations of this Act are observed and also to prosecute all persons who shall violate the same. Such inspector shall be paid a salary of not more than twelve hundred dollars per annum.

Fines to go to School Fund

Sec. 24. Be it further enacted, etc., That all fines collected through this Act shall be paid over to the school fund in the parish where the fines are collected.

Repealing Clause

Sec. 25. Be it further enacted, etc., That all acts or parts of acts in conflict with this Act be and the same are hereby repealed.

When in Effect

Sec. 26. Be it further enacted, etc., That this Act shall take effect and be in force from and after its promulgation.

[NOTE.—The relator was charged with violation of the Act, after conviction on previous like charges from which he had appealed. Held that prohibition would not lie to consider the subsequent charges and a stay of proceedings until the pend-

ing appeal is disposed of. *State vs. Rose*, 124 L. 526. A charge that the defendant permitted certain children under fourteen to perform on the stage of a theatre, charges no offense recognizable in the juvenile court, when it fails to charge that they are neglected or delinquent. *State vs. Rose*, 125 L. 1080.

The accused was found guilty of employing a child under fourteen to appear on the stage as a performer. Held that the words, "where intoxicating liquors are made and sold" do not qualify the words "theatre" and the word "work" comprehends acting on the stage. The Act is not unconstitutional. *State vs. Rose*, 125 L. 462.

It is negligence to employ a minor without requiring the certificate from the Factory Inspector. *Dalberni vs. New Orleans Canning Co.*, 139 L. 49; *Alexander vs. Standard Oil Co.*, 140 L. 54, but the Act does not make the employer the insurer of the minor against accidents caused by his own negligence. *Alexander vs. Standard Oil Co.*, 140 L. 54. Contributory negligence may be pleaded and proved by the defendant. *Flores vs. Steeg Pub. Co.*, 142 L. 1068.

EMPLOYMENT OF CHILDREN FOR EXHIBITION, ETC,

Act 184 of 1912, p. 329

TITLE

AN ACT declaring the employment, use or exhibition of children under sixteen years of age, and the training for purposes of exhibition, use and employment, and having in custody, and procuring, of such children, as rope or wire walkers, gymnasts, wrestlers, contortionists, riders or acrobats, in singing or dancing, playing upon musical instruments, in theatrical exhibitions, or wandering occupations, in any illegal, immoral or indecent exhibition or practice, or in the exhibition of insane, idiotic, deformed or unnaturally formed or developed children, in any practice or place of exhibition dangerous to life, limbs, health or morals of children, shall be regarded as contributing to the neglect and delinquency of children, and declaring such acts to be misdemeanors, and providing penalty and punishment therefor by fine and imprisonment, or both; declaring that the provisions of this or any previous Act of the Legislature shall not apply to the employment of any child as a singer or musician in a church, school or academy, or in teaching or learning the science or practice of music, or in a theatrical exhibition, or as a musician in any concert, where a permit for such child has been obtained from a juvenile court, or district court acting as such, and providing how and under what circumstances permits may be granted to children; requiring the furnishing of a bond by employers for the care and tuition of such children while in their employment, and setting forth the stipulations and conditions of such permits and bonds, and providing for the forfeiture of such bonds; making such permits revocable at the pleasure of the authority granting same; and providing other details in connection with the subject matter; and repealing all laws or parts of laws contrary to or inconsistent or in conflict with this Act.

Employment of Children, Age, Etc., Regulated

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, A person who employs or causes to be employed, or who exhibits, uses, or has in custody, or trains for the purpose of

exhibition, use or employment of any child actually or apparently under the age of sixteen years, or who has the care, custody or control of such a child as parent, relative, guardian, employer or otherwise, sells, lets out, gives away, so trains, or in any way procures or consents to the employment, or to such training or use, or exhibition of such child or who neglects or refuses to restrain such child from such training or from engaging or acting:

(1) As a rope or wire walker, gymnast, wrestler, contortionist, rider or acrobat, or upon any bicycle or similar mechanical vehicle or contrivance; or;

(2) In singing, or dancing, or playing upon a musical instrument, or in a theatrical exhibition or in any wandering occupation; or;

(3) In any illegal, indecent or immoral exhibition or practice; or in the exhibition of any such child when insane, idiotic, or when presenting the appearance of any deformity or unnatural physical formation or development; or;

(4) In any practice or exhibition or place dangerous or injurious to the life, limbs, health or morals of the child; shall be regarded as contributing to the neglect and delinquency of children and guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than twenty-five dollars nor more than two hundred and fifty dollars, or shall be imprisoned in the parish jail or parish prison for not more than two years, or by both such fine and imprisonment, and provided, further, that any person, firm or corporation licensed as or holding a license for any theatre within this State, who shall be convicted hereunder, shall, upon such conviction forfeit such license.

But this Act does not apply, nor shall any act prior thereto, apply to the employment of any child as a singer or musician in a church, school or academy, or in teaching or learning the science of practice of music, or in theatrical exhibition, or as a musician in any concert, where a permit therefor has first been secured from a judge of a juvenile court, or a district court acting as a juvenile court.

In the case of a non-resident child no permit shall be granted unless such child be accompanied by a parent or a guardian or a custodian duly designated in writing, attested by a notary public by said child's parents or guardian; nor shall said permit be granted unless it be shown to the satisfaction of the court that said child is receiving and during the period of said permit will receive proper instruction and teaching in common school studies.

The court granting such permit shall have the power to exact from the employer of the child, as a condition precedent to the granting of such permit, under such stipulations and conditions as may be determined by the judge of such court, a bond in a sum not exceeding two thousand dollars, to be executed in favor of the State of Louisiana, and conditioned to secure and guarantee the proper tuition as well as the moral and physical health of such child while in such employment.

Such bond may be forfeited by showing a breach thereof in the State of Louisiana or elsewhere, and in such proceedings testimony may be taken as provided by law in civil cases in the civil courts of this State. Such permit shall not be given unless previous twenty-four hours' previous notice of the application therefor shall have been served in writing upon the Society for the Prevention of Cruelty to Children, if there be one in the parish, and a hearing had thereof, if requested, and such permit shall be revocable at the will and discretion of the authority granting it. The permit shall specify the name of the child, its age, the names and residence of its parents, or guardians, and its employers; the nature, time, duration and number of performances permitted, together with the place and character of the exhibition. But no such permit shall be deemed to authorize any violation of the first, third or fourth subdivisions enumerated above.

Repealing Clause

Sec. 2. Be it further enacted, etc., That all laws or parts of laws contrary to and inconsistent with or in conflict with this Act are hereby repealed.

EMPLOYMENT OF CHILDREN AS GYMNASTS, ETC.

Act 59 of 1882, p. 81

TITLE

AN ACT to prevent the employment of children as gymnasts, contortionists or acrobats and to prevent their employment in places where their morals are liable to be corrupted, etc.

Employment of Children as Gymnasts, etc., Prohibited

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That any person who employs, or exhibits or gives away for the purpose of employing or exhibiting a child under fourteen years of age, for the purpose of walking on a wire or rope, or riding or performing as a gymnast, contortionist, or acrobat in any circus or theatrical exhibition or in any public place whatsoever, or who causes, procures or encourages any such child to engage therein, shall be punished by a fine by any committing magistrate, of not less than ten dollars, nor more than twenty-five dollars or shall be subject to a term of imprisonment not exceeding thirty days or both, at the discretion of the Court.

License Restricted, etc.

Sec. 2. Be it further enacted, etc., That no license shall be granted for a theatrical exhibition or public show in which children under fifteen years of age are employed as contortionists, acrobats, or in any feats of gymnast or equestrianism, or where in the opinion of the mayor of the city or town authorized to grant licenses, such children are employed in such a manner as to corrupt their morals or impair their physical health.

**PROHIBITING EMPLOYMENT OF FEMALES TO SELL
LIQUORS, ETC.**

Act 43 of 1894, p. 49

TITLE

AN ACT making it a misdemeanor for any owner, proprietor, keeper or lessee, or agent, manager, or conductor of any concert hall, or saloon where spirituous liquors, wines or malt are sold at retail, to allow any females to dispense or distribute among the audience such liquors, wines or malt, and providing a penalty therefor.

Employment of Females in Saloons or Similar Places Prohibited

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That no owner, proprietor, keeper, lessee or agent, manager or conductor of any concert hall or saloon where spirituous liquors, wines or malt are sold at retail shall employ or suffer to be employed any female to distribute or appear among the audience or frequenters of such concert hall or saloon for the purpose of distributing or selling or taking orders to be filled, any such spirituous liquors, wines or malt, and any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and, on conviction shall be imprisoned in the parish jail not less than thirty days nor more than three months and a fine of not less than fifty nor more than one hundred dollars for each and every offense.

Repealing Clause

Sec. 2. Be it further enacted, etc., That all laws or parts of laws contrary to and in conflict with this Act be and the same are hereby repealed.

SEATS FOR FEMALE OPERATORS IN ELEVATORS

Act 158 of 1918, p. 270

TITLE

AN ACT making it the duty of every owner, manager or agent of any place of business, or establishment, wherein or whereon an elevator is installed to provide suitable seating or resting accommodations for the female operator, etc.

Seats Must be Provided, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That every owner, manager or agent of any place of business wherein or whereon an elevator is installed for the carrying of persons, goods, wares or merchandise, shall provide for the convenience of the female operator of said elevator, while on duty, proper seating or resting accommodations.

Violations and Penalty

Sec. 2. Be it further enacted, etc., That the violation of this Act on the part of any owner, manager or agent as herein provided shall be a misdemeanor punishable before the court of proper jurisdiction by

a fine not to exceed twenty-five dollars, or imprisonment not to exceed ten days.

Repealing Clause

Sec. 3. Be it further enacted, etc., That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

EMPLOYERS' LIABILITY ACT OF LOUISIANA

Act 20 of 1914, p. 44

(As amended by Act 243 of 1916; Act 38 of 1918; Act 234 of 1920;
Act 244 of 1920; Act 247 of 1920 and Act 43 of 1922.)

TITLE

AN ACT prescribing the liability of an employer to make compensation for injuries received by an employee in performing services arising out of and incidental to his employment in the course of his employer's trade, business or occupation in certain trades, business and occupations, abolishing in certain cases the defense and assumption of risk, contributory negligence and negligence of a fellow servant in actions for personal injury and death, establishing a schedule of compensation, regulating procedure for the determination of liability and compensation thereunder and providing for methods for payments of compensation thereunder.

Act Created and Defined

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That this Act shall apply only to the following:

1. Every person in the service of the State, or of any parish, township, incorporated village or city, or, other political subdivision, or incorporated public board or commission in this State authorized by law to hold property and to sue and be sued, under any appointment or contract of hire, express or implied, oral or written except an official of the State, or of any parish, township, incorporated village or city, or other political subdivision, or incorporated public board or commission in this State authorized by law to hold property and to sue and be sued; and for such employee and employer the payment of compensation, according to and under the terms, conditions and provisions hereinafter set out in this Act, shall be exclusive, compulsory and obligatory; provided, that one employed by a contractor who has contracted with the State, parish, township, incorporated village or city, or other political subdivision, or incorporated public board or commission in the State, through its proper representative, shall not be considered an employee of the State, parish, township, incorporated village or city, or any other political subdivision, or incorporated public board or commission.

2. Every person performing services arising out of and incidental to his employment in the course of his employer's trade, business or occupation in the following hazardous trades, businesses and occupations:

Hazards

(a) The operation, construction, repair, removal, maintenance and demolition of railways and railroads, vessels, boats, and other water crafts, terminal docks, street railways, factories, mills, including rice mills, cotton-oil mills, saw mills, shingle mills, planing mills and syrup

mills, power laundries, power bakeries, foundries, forges, smelters, blast furnaces, machine shops, coke burning plants, lime burning plants, bleaching works, dyeing works, potteries, phosphate and sulphur works, rendering works, slaughter houses, meat packing plants, ice plants, warehouses, marble or stone cutting or polishing plants, shipbuilding and ship repairing plants and yards, mines, mining plants, quarries; oil, gas, sulphur, salt or other wells, heating plants, lighting plants, power plants, water works, pumping works, coal yards, lumber yards, building material yards, dericks, bridges, junk yards, malt houses, breweries, freight or passenger elevators, stock yards, harvesting machinery, threshing machine, cotton gins, cotton compresses, sugar houses, sugar and other refineries, sash and door factories, wood-working establishments, printing and photo-engraving establishments, bookbinding and general press work, skidders, engineering works, rigging or coaling of vessels, or loading or unloading the cargoes of vessels, logging and lumbering, storing ice, paving with asphalt or other molten material, excavating or grading with power machinery, or with the use of an explosive, working in compressed air, dredging, pile driving, boring, moving safes, chimney sweeping, the construction, installation, operation, alteration, removal or repair of wires, cables, switchboards or apparatus charged with electrical current, work in any of the building or metal trades in the erection, construction, extension, decoration, alteration, repair or demolition of any building or structural appurtenances, any occupation entailing the manufacture, transportation, care of, use of, or regular proximity of dangerous quantities of gunpowder, dynamite, nitro-glycerine and other like dangerous explosives, the installation, repair, erection, removal or operation of boilers, furnaces, engines and other forms of machinery.

Factory

"Factory" means any premises wherein mechanical power is used in manufacturing, making, altering, adapting, ornamenting, finishing, repairing or renovating any article or articles for the purpose of trade or gain, or of the business carried on therein.

Mine

"Mine" means any opening into and beneath the surface of the earth for the purpose of extracting any mineral or minerals, and all underground workings, slopes, shafts, galleries and tunnels, and other ways, cuts and openings connected therewith, including those in the course of being opened, sunk or driven; and includes also the appurtenant structures at or about the openings of a mine and any adjoining work-place where the material from a mine is stored or prepared for use or shipment.

Quarry

"Quarry" means any place, not a mine, including a bank or pit, where shell, stone, slate, clay, sand, gravel or other material is dug or otherwise extracted from the earth or ground for the purpose of

trade or barter of the employers trade or business; and includes also the appurtenant structures at or about the openings of a quarry and any adjoining work-place where the material from a quarry is stored or prepared for use or shipment.

Railways

“Railways” and “Railroads” also includes work in or about depots, powerhouses, roundhouses, cars, locomotives and all other appurtenances and in private yards, terminals, switches, etc., and work on railroads, for express companies.

3. If there be or arise any hazardous trade, business or occupation or work other than these hereinabove enumerated, it shall come under the provisions of this Act. The question of whether or not a trade, business or occupation not named herein is hazardous may be determined by agreement between the employer and employee or by submission at the instance either employer or employee to the judge of the court which shall have jurisdiction over the employer in a civil case. The decision of the court shall not be retroactive in its effect.

When Contract May be Made

4. An employer and any employee in a trade, business or occupation not specified in paragraph 2 of this Section and any one engaged in a trade, business or occupation that may not be determined to be hazardous under the operation of paragraph 2 of this Section, may, prior to the accident, voluntarily contract in writing to come under the benefit and protection of the provisions of this Act with the same force and effect as though they had been specifically included instead of omitted.

Compensation

Sec. 2. (As amended by Act 38, 1918.) Be it further enacted, etc., That if an employee employed as hereinabove set forth in paragraph 1 of Section 1 (except an employee who shall be eliminated from the benefit of this Act for the causes and reasons set forth in Section 28 of this Act) receives personal injury by accident arising out of and in the course of such employment his employer shall pay compensation in the amounts and to the person or persons hereinafter specified.

Agreement

Sec. 3. (As amended by Act 38, 1918.) Be it further enacted, etc., That this Act, except Sections 4 and 5, relating to defenses, shall not apply to any employer or employee engaged in any trade, business or occupation specified in paragraph 2 of Section 1, or in any that may be determined to be hazardous under the operation of paragraph 3 of Section 1, unless prior to the injury they shall have so elected by agreement, either express or implied, as hereinafter provided. Such an agreement shall be a surrender by the parties thereto of their rights to any other method, form, or amount of compensation or determination thereof than as provided in this Act, and shall bind the employee him-

self, his widow and relatives, personal representatives and dependents as hereinafter defined, as well as the employer and those conducting his business during bankruptcy and insolvency.

Contract Prior to Act

2. Every contract of hiring, verbal, written or implied between an employer and any employee engaged in any trade, business or occupation specified in paragraph 2 of Section 1, or engaged in any trade, business or occupation that may be determined to be hazardous under the operation of paragraph three of Section 1, now in operation or made or implied prior to the time fixed for this Act to take effect shall after this Act takes effect be presumed to continue subject to the provisions of this Act, and it shall be presumed that the parties have elected to be subject to the provisions of this Act and to be bound thereby unless such election be determined as hereinafter provided.

Subsequent Contracts

3. Every contract of hiring, verbal, written or implied, between an employer or employee engaged in any trade, business or occupation specified in paragraph 2 of Section 1, or engaged in any trade, business or occupation that may be determined to be hazardous under the operation of paragraph 3 of Section 1, made subsequent to the time provided for this Act to take effect, shall be presumed to have been made subject to the provisions of this Act, unless there be as a part of said contract an express statement in writing, either in the contract itself or by written notice by either party to the other, that the provisions of this Act other than Sections 4 and 5 are not intended to apply, and it shall be presumed that the parties have elected to be subject to the provisions of this Act and to be bound thereby, unless such election to be terminated as hereinafter provided.

Termination by Notice

4. Any agreement or election, either express or implied, or presumed under the provisions of paragraph 2 or paragraph 3 of this Section, between an employer and any employee engaged in any trade, business, or occupation specified in paragraph 2 of Section 1, or engaged in any trade, business or occupation that may be determined to be hazardous under the operation of paragraph 3 of Section 1, for the operation of the provisions of this Act may be terminated by either party to the contract of hiring giving written notice not less than thirty days prior to the accident to the other party of such contract that the provisions of this Act other than Sections 4 and 5 shall no longer apply.

Waiver of Election

5. Either an employee who has given notice to his employer in writing as aforesaid or an employer who has given notice to his employee in writing as aforesaid that he elects not to be subject to the

provisions of this Act, may waive such election by a notice in writing which shall take effect immediately.

Exercise of Right of Election

6. Any employee of the age of eighteen and upwards engaged in any trade, business or occupation specified in paragraph 2 of Section 1, or engaged in any trade, business, or occupation that may be determined to be hazardous under the operation of paragraph 3 of Section 1, shall himself exercise the right of election or termination or waiver authorized by this Section. Such right of election or termination or waiver shall be exercised on behalf of any employee under the age of eighteen by either his father, mother or tutor, or if neither of these can readily be gotten to act, then by the Court. Provided, that this Act shall not apply to employees of less than the minimum age prescribed by law for the employment of minors in the trades, business or occupations specified in paragraph 2 of Section 1, or that may be determined to be hazardous under the operation of paragraph 3 of Section 1.

On Whom Notice of Election Served

7. Where notice is to be served upon one who is under the age of eighteen years said notice must be served upon either the father, mother or tutor of the said individual under the age of eighteen years.

Defense of Employer Not Protected by Act

Sec. 4. (As amended by Act 38, 1918.) Be it further enacted, etc., That if an employee has elected as aforesaid to come under this Act and his employer has elected as aforesaid not to come under this Act, then if an action is brought by the employee or dependents to recover for personal injury sustained arising out of and in the course of his employment after such election by the employer, it shall not be a defense.

(a) That the employee assumed the risks inherent in or incidental to or arising out of his employment, or the risks arising from the failure of the employer to provide and maintain a reasonably safe place to work or arising from the failure of the employer to furnish reasonably safe tools and appliances, or that the employer exercised reasonable care in selecting reasonably competent employees in the trade, business or occupation.

(b) That the injury was caused by the negligence of a fellow employee.

(c) That the employee was negligent.

And it shall be presumed that the injury to the employee was the direct result and arose out of the negligence of the employer, and that such negligence was the proximate cause of the injury; and in such case the burden of proof shall rest upon the employer to rebut the presumption of negligence, unless before the injury such election shall have waived as provided in paragraph 5 of Section 3.

Defense of Employer Protected by Act

Sec. 5. (As amended by Act 38, 1918.) Be it further enacted, etc., That if an employer has elected as aforesaid to come under this Act and his employee has elected as aforesaid not to come under this Act, then if an action is brought by the employee or his dependent to recover damages for personal injury sustained, and arising out of and in the course of his employment after such election by the employee, the employer shall have all the defenses which he would have had if this Act had not been enacted, unless before the injury such election shall have waived as provided in paragraph 5 of Section 3.

Election May Be Waived

2. An employee who has given notice to his employer in writing as aforesaid that he elects not to be subject to the provisions of this Act, may waive such election by a notice in writing, which shall take effect immediately.

Sub-Contract

Sec. 6. (As amended by Act 38, 1918.) Be it further enacted, etc.. That where any person (in this Section referred to as principal) undertakes to execute any work, which is a part of his trade, business or occupation, or which he has contracted to perform, and contracts with any person (in this Section referred to as contractor) for the execution by or under the contractor of the whole or any part of the work undertaken by the principal shall be liable to pay to any employee employed in the execution of the work, or his dependent, any compensation under this Act, which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this Act, reference to the principal shall be substituted for reference to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the employee under the employer by whom he is immediately employed.

Indemnity

2. Where the principal is liable to pay compensation under this section, he shall be entitled to indemnity from any person who independently of this section would have been liable to pay compensation to the employee or his dependent, and shall have a cause of action therefor.

Workman May Recover from Contractor

3. Nothing in this section shall be construed as preventing an employee or his dependent from recovering compensation under this Act from the contractor instead of from the principal.

Principal May Call Defendant

4. A principal contractor, when sued by an employee of a sub-contractor or his dependent, shall have the right to call in that sub-contractor or any intermediate contractor or contractors as defendant or co-defendant.

Claim Against Third Party

Sec. 7. (As amended by Act 247 of 1920.) Be it further enacted, etc., That when an injury for which compensation is payable under this Act shall have been sustained under the circumstances creating in some other person (in this Section referred to as third person) than the employer a legal liability to pay damages in respect thereto, the injured employee or his dependent may claim compensation under this Act; and the payment or award of compensation hereunder shall not affect the claim or right of action of such injured employee or his dependent against such third person, nor be regarded as establishing a measure of damages for such injury; and such injured employee or his dependent may obtain damages from or proceed at law against such third person to recover damages for such injury.

2. Any employer having paid or having become obligated to pay compensation under the provisions of this Act may bring suit against such third person to recover any amount which he has paid or become obligated to pay as compensation to any injured employee or his dependent; provided, that if either such employee or his dependent, or such employer, shall bring suit against such third person, he shall forthwith notify the other in writing of such fact and of the name of the Court in which such suit is filed, and such other may intervene as party plaintiff in such suit.

3. In the event that such employer or such employee or his dependent shall become party plaintiff in such suit and any damages are recovered, such damages shall be so apportioned in the judgment that the claim of the employer for the compensation actually paid shall take precedence over that of the injured employee or his dependent; and if the damage shall not be sufficient or shall only be sufficient to reimburse the employer for the compensation which he has actually paid, with a reasonable attorney's fee, to be fixed by the Court rendering the judgment, and his costs, such damages shall be assessed solely in his favor; but if the damages shall be more than sufficient to so reimburse the employer, the excess shall be assessed in favor of the injured employee or his dependent; and upon payment thereof to the employee or his dependent the liability of the employer for compensation shall cease for such part of the compensation due hereunder computed at six per centum per annum, as shall be satisfied by such payment.

4. No compromise with such third person by either the employer or the injured employee or his dependent shall be binding upon or affect the rights of the other unless assented to by him.

Schedule of Payments

Sec. 8. (As amended by Act 247 of 1920 and Act 43 of 1922.) That for injury producing disability, compensation shall be paid under this Act to an injured employee in accordance with the following schedule of payments:

Temporary and Permanent Total Disability

(a) For injury producing temporary total disability to do work of any reasonable character, sixty per centum of wages during the period of disability, not, however, beyond three hundred weeks.

(b) For injury producing permanent total disability to do work of any reasonable character, sixty per centum of wages during the period of disability not, however, beyond four hundred weeks.

Partial Disability

(c) For injury producing partial disability to do work of any reasonable character, sixty per centum of the difference between wages at the time of injury and wages which the injured employee is able to earn thereafter during the period of disability, not, however, beyond three hundred weeks.

(d) In the following cases the compensation shall be as follows:

For the loss of a thumb, sixty per centum of wages during fifty weeks.

For the loss of a first finger, commonly called the index finger, sixty per centum of wages during thirty weeks.

For the loss of any toe other than a great toe, sixty per centum of wages during twenty weeks.

For the loss of any other than a great toe, sixty per centum of wages during ten weeks.

For the loss of a hand, sixty per centum of wages during one hundred and fifty weeks.

For the loss of an arm, sixty per centum of wages during two hundred weeks.

For the loss of a foot, sixty per centum of wages during one hundred and twenty-five weeks.

For the loss of a leg, sixty per centum of wages during one hundred and seventy-five weeks.

For the loss of an eye, sixty per centum of wages during one hundred weeks.

For the loss of both hands, or both feet, or both eyes, or one hand and one foot, sixty per centum of wages during four hundred weeks.

The loss of the first phalanx of the thumb, or of two phalanges of any finger or toe, shall be considered to be equal to the loss of one-half of such member, and the compensation shall be one-half of the amount above specified.

The loss of more than one phalanx of a thumb, or more than two phalanges of any finger or toe shall be considered as the loss of the entire member; provided, however, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand, or the amount received for the loss of more than one toe exceed the amount in this schedule for the loss of a foot.

Amputation Defined

Amputation between the elbow and wrist shall be considered an equivalent to the loss of a hand, and amputation between the knee and ankle shall be equivalent to the loss of a foot. The permanent total loss of the use of a member shall be equivalent to the amputation of the member.

Serious Permanent Disfiguration and Usefulness Defined

(e) In cases not falling within any of the provisions already made, where the employee is seriously permanently disfigured about the face or head, or where the usefulness of a member of any physical function is seriously permanently impaired, the Court may allow such compensation as is reasonable in proportion to the compensation hereinabove specifically provided in cases of specific disability above named, not to exceed sixty per centum of wages during one hundred weeks.

Death Benefits, etc.

2. That for injury causing death within one year after the accident weekly compensation shall be paid under this Act for a period of three hundred weeks to the following persons:

(a) If a widow or widower alone, and no children then to such widow or widower, thirty per centum of wages.

(b) If a widow or widower and one child, then to such widow or widower and child for their joint benefit, forty-five per centum of wages.

(c) If a widow or widower and two or more children, then to such widow or widower and children for their joint benefit, sixty per centum of wages.

(d) If one child alone and no widow or widower, then to such child, thirty per centum of wages.

(e) If two children and no widow or widower, then to such children forty-five per centum of wages.

(f) If three or more children and no widow or widower, then to such children sixty per centum of wages.

(g) If there be neither widow, widower nor child, then to the father or mother of the deceased employee, if actually dependent on the deceased employee to any extent for support at the time of the injury and death, thirty per centum of wages; if in such event both father and mother of the deceased survive and were actually dependent on the deceased employee to any extent for support at the time of injury and death, sixty per centum of wages for their joint benefit; but if only one parent be actually dependent on the deceased employee to any extent for support at the time of injury and death and there be brothers and sisters and other members of the family of the deceased employee not hereinabove specifically provided for, then if any such brother or sister or other member of the family not otherwise specifically provided for was actually dependent on the deceased employee for support to any extent at the time of injury and death, ten per centum additional for each such brother or sister or other dependent member of the family not

otherwise specifically provided for, subject to a maximum of sixty per centum of wages for all.

(h) If there be neither widow, widower nor child, nor dependent parent entitled to compensation, then to the brothers and sisters and other members of the family of the deceased employee not hereinabove specifically provided for, if such brother or sister or other member of the family not otherwise specifically provided for was actually dependent on the deceased employee for support to any extent at the time of injury and death, thirty per centum of wages for one brother or sister or other dependent member of the family not otherwise specifically provided for, and ten per centum additional for each additional such brother or sister or other dependent member of the family not otherwise specifically provided for, subject to a maximum of sixty per centum of wages for all.

(i) Whenever under this section compensation is due to several persons in the same class, it shall be equally divided among them; and where the aggregate of such compensation would exceed sixty per centum of wages were the maximum limit not imposed, the compensation due each individual shall be abated proportionally so as to bring the total compensation within the limit.

(j) Where there is a surviving widow or widower and a child or children entitled to compensation, the compensation above described shall be paid entirely to the widow or widower for the common benefit of such widow or widower and the child or children, and the appointment of a tutor shall not be necessary. Where there is no surviving parent, payment shall be made to the duly appointed tutor.

(k) Compensation shall be payable under this section to or on account of any child or brother or sister or other dependent member of the family not otherwise specifically provided for, only if and while such child, brother, sister or other dependent member of the family not otherwise specifically provided for, is under the age of eighteen years, unless such child, brother, sister or other dependent member of the family is mentally or physically incapacitated from earning a living.

(l) No compensation shall be payable under this section to a widow unless she be living with her deceased husband at the time of the injury and death, or be then actually dependent upon him for support. No compensation shall be payable under this section to a widower unless he be living with his deceased wife at the time of the injury and death or be at such time incapable of self-support and actually dependent upon her for support.

(m) The term "child" and "children" shall cover only legitimate children, acknowledged illegitimate children, step-children, posthumous children and adopted children. The term "brother" and "sister" shall include step-brothers and step-sisters, and brothers and sisters by adoption.

(n) In all cases provided for in this section the relation of dependency must exist at the time of the injury and at the time of the death.

(o) Should any dependent of a deceased employee die, or should the widow or widower re-marry, or should the widower become capable of self-support, or should any dependent not physically or mentally incapacitated from earning a living pass beyond the age of eighteen years, the payments of the portion of the compensation theretofore due such dependent or widow or widower shall cease. If the compensation payable under this section to any person shall, for any cause, cease, the compensation to the remaining persons entitled hereunder shall thereafter be the same for the unexpired part of the period during which their compensation is payable as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased employee.

(p) When payments of compensation have been made to an employee before his death, the compensation for dependents as provided for in this section shall begin on the date of the last of such payments, and shall not continue for more than three hundred weeks from the date of injury.

Wages Defined

3. The term "wages" as used in this Act is defined to mean the daily rate of pay at which the service rendered by the injured employee is recompensed under the contract of hiring in force at the time of the injury, and anything herein contained to the contrary notwithstanding, the maximum compensation to be paid under this act shall be eighteen dollars per week; provided, that if at the time of injury the employee was receiving wages at the rate of three dollars or less per week, then the compensation shall be full wages.

Compensation Begins, etc.

4. No compensation shall be paid for the first week after the injury is received; provided, however, that in cases where disability from injury continues for six weeks or longer after the injury is received, then after six weeks have elapsed compensation for the first week shall be paid.

Medical Aid; Burial Expenses, etc.

5. The employer shall in every case coming under this Act furnish the employee reasonable medical, surgical and hospital services and medicines not to exceed two hundred and fifty dollars in value, unless the employee refuses to allow them to be furnished by the employer; and in case of death, the employer shall pay or cause to be paid the reasonable expense of the burial of the employee, not to exceed one hundred dollars, and the reasonable contingent expense in connection therewith, not to exceed fifty dollars.

Voluntary Payments

6. Any voluntary payments made by the employer or his insurer to the injured employee, during the period of his disability, or to his dependents, which, by the terms of this Act, were not due and payable when paid, may, subject to the approval of the Court, be de-

ducted from the amount to be paid as compensation; provided, that in case of disability, such deductions shall be made by shortening the period during which compensation shall be paid, and not by reducing the amount of the periodical payments.

Payments, Where Made, etc.

7. Payments of compensation under this Act shall be paid as near as may be at the same times and places as wages were payable to the injured employee before the accident; but a longer interval may be substituted by agreement with the approval of the Court.

Lump Sum Settlements, etc.

8. The amounts payable as compensation may be commuted to a lump sum settlement at any time by agreement of the parties if approved by the Court as solely and clearly in the interest of the employee or his dependents; provided, that in making such lump sum settlement, the payments due to the employee, or his dependent under this Act, shall not be discounted at a rate greater than eight per centum per annum. If such lump settlement is made without the approval of the Court, or at a discount greater than eight per centum per annum, even if approved by the Court, the employer shall be liable for compensation at twice the rates fixed in this Act, and the employee or his dependents shall, at all times within five years after the date of the payment of the lump sum settlement, and notwithstanding any other provisions of this act, be entitled to demand and receive in a lump sum from the employer such additional payment as together with the amount already paid will aggregate twice the compensation which would have been due under this Act, but for such lump settlement. But upon the payment of lump sum settlement commuted on a term agreed upon by the parties, discounted at not more than eight per centum per annum and with the approval of the Court, the liability under this act of the employer making such payment shall be fully satisfied, provided, that for the injuries scheduled in paragraphs 1 (d) and 2 of this section, no shorter term than therein set forth shall have been agreed upon.

Examination after Accident

Sec. 9. (As amended by Act 38, 1918.) 1. Be it further enacted, etc., That an injured employee shall submit himself to examination by a duly qualified medical practitioner provided and paid for by the employer, as soon after the accident as demanded, and from that time to time thereafter, as often as may be reasonably necessary and at reasonable hours and places, during the pendency of his claim for compensation or during the receipt by him of payments under this Act.

Report of Examination

2. It shall be the duty of the employer to cause such examination provided for in paragraph 1 of this Section, to be made of the injured employee, immediately after knowledge or notice of the accident, and to serve a copy of the report by his medical practitioner of such examination upon the employee within six days after such examination. If

no such examination be made and report furnished by the employer within that time, the employee shall furnish a report of an examination made by his medical practitioner to the employer, for which the employee shall be entitled to receive from the employer the sum of one dollar. Upon the receipt of either party of such a report from the other party, the party receiving it, if he disputes such report or any statement therein, shall notify the other party of that fact within six days, otherwise such report shall be prima facie evidence of the facts therein stated in subsequent proceedings under this Act.

Judge to Order Examination

3. If there be any dispute thereafter as to the condition of the employee, the Court, upon application of either party, shall order an examination of the employee to be made by a medical practitioner appointed by the Court. The fees of such examiner shall be fixed by the Court at not to exceed ten dollars, and shall be paid in advance by the applicant. Such medical examiner shall report his conclusions from such examination to the Court, and such report shall be prima facie evidence of the facts therein stated in any subsequent proceedings under this Act.

Refusal of Examination

Sec. 10. (As amended by Act 38, 1918.) 1. Be it further enacted, etc., That if the employee refuses to submit himself to a medical examination as provided in Section 9, or in any wise obstructs the same, his right to compensation and to take or prosecute any further proceedings under this Act shall be suspended until such examinations take place. And, when a right to compensation is suspended no compensation shall be payable in respect of the period of suspension.

Notice of Injury

Sec. 11. (As amended by Act 247 of 1920.) 1. Be it further enacted, etc., That no proceeding under this Act for compensation shall be maintained unless notice of the injury shall be given to the employer within six months after the date of injury or death. No such notice shall be held invalid or insufficient by reason of any inaccuracy in stating the time, place, nature or cause of the injury, or otherwise, unless it is shown that the employer was in fact misled to his injury thereby. Such notice may be given or made by any person claiming to be entitled to compensation, or by anyone in his behalf.

2. Want of notice or delay in giving notice shall not be a bar to proceedings under this Act if it be shown that the employer or his agent or representative, had knowledge of the accident or that the employer has not been prejudiced by such delay or want of notice.

Notice Must Be Posted

Sec. 12. (As amended by Act 38, 1918.) 1. Be it further enacted, etc., That it shall be the duty of the employer to cause to have printed and to keep posted at some convenient and conspicuous point about the place of business, a notice reading substantially as follows: "In

case of accidental injury or death the injured employee or some person claiming to be entitled to compensation, or some one acting in behalf of the injured employee, or person claiming to be entitled to compensation, must give notice to (here shall follow the name and address of the party) within six months, and unless notice be given to the above party within six months, no payments will be made under the law for such injury or death." In the event of the failure of the employer to keep posted said notice, the time in which notice of the injury shall be given as provided in Section 11 shall be extended to twelve months from the date of injury.

Notice; How Made

Sec. 13. (As amended by Act 38, 1918.) 1. Be it further enacted, etc., That the notice provided for in Section 11 shall be made in writing and such notice shall contain the name and address of the employee, and shall state in ordinary language the time, place, nature and cause of the injury, and shall be signed by the person giving or making same. The notice may include the claim.

Notice; How Served

Sec. 14. (As amended by Act 38, 1918.) 1. Be it further enacted, etc., That any notice or claim under this Act shall be given to the employer. If the employer be a partnership, then to anyone of the partners. If the employer be a corporation, then the notice may be given to any agent of the corporation upon whom process may be served, or to any officer of the corporation, or any agent in charge of the business at the place where the injury occurred. If the employer be a body politic, then the notice may be given to the individual connected with said body politic upon whom process may be served. Provided, however, that in any case notice of accident may be given to the person designated in the notice posted in accordance with Section 12. Any such notice shall be given by delivering it or sending it by mail by registered letter addressed to the employer or his or its hereinabove designated officer or agent at his or its last known residence or place of business.

Inaccurate or Delayed Notice

Sec. 15. Be it further enacted, etc., That a notice given under the provisions of Section 11 of this Act shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place, nature, or cause of the injury, or otherwise, unless it is shown that the employer was in fact misled to his injury thereby. Want of notice or delay in giving notice shall not be a bar to proceedings under this Act if it be shown that the employer, or his agent or representative had knowledge of the accident, or that the employer has not been prejudiced by such delay or want of notice.

Curator or Tutor to Exercise Right of Defendant

Sec. 16. (As amended by Act 38, 1918.) 1. Be it further enacted, etc., That in case an injured employee is mentally incompetent or a minor, or where death results from the injury, in case any dependent as herein

defined is mentally incompetent or a minor, at the time when any right, privilege or election accrues to him under this Act, his duly qualified curator or tutor, as the case may be, may, in his behalf, claim and exercise such right, privilege or election, and no limitation of time, in this Act provided for, shall run, so long as such incompetent or minor has no curator or tutor as the case may be.

Rival Claimants

2. Payment of compensation under this Section by an employer to a dependent subsequent in right to another or other dependents shall protect and discharge the employer unless and until such dependent or dependents prior in right shall have given the employer notice of his or their claim. In case the employer is in doubt as to the respective rights of rival claimants the employer may apply to the Court to decide between them.

Settlement

Sec. 17. (As amended by Act 38, 1918.) Be it further enacted, etc., That the interested parties shall have the right to settle all matters of compensation between themselves. But all agreements of settlement shall be reduced to writing and shall be substantially in accord with the various provisions of this Act, and shall be approved by the Court. The agreement between employer and employee shall be presented to the Court upon joint petition of employer and employee, or his dependent, which petition must be verified by both parties. The settlement so approved shall be immediately entered as the judgment of the Court, and such judgment shall have the same force and effect and may be satisfied as other judgments of the same Court.

Judge to Settle Dispute

Sec. 18. (As revised by Act 247 of 1920, and Act 234 of 1920.) 1. Be it further enacted, etc., That in case of dispute over or failure to agree upon a claim for compensation between employer and employee, or the dependents of the employee, either party may present a verified complaint to the judge of the Court which would have jurisdiction in a civil case, or where there is more than one judge of said Court, then to either or any of said judges of such Court, setting forth the names and residences of the parties and the facts relating to employment and the time of the injury, the character and extent of the injury, and the amount of wages being received at the time of the injury, the knowledge of the employee, or notice of occurrence of such injury, and such other facts as may be necessary and proper for the information of said judge, and shall state the matter or matters in dispute, and the contention of petitioner with reference thereto, including all facts which are in this Act or in any amendment thereof, made conditions under which compensation may be granted.

Legal Procedure.

2. (As amended by Act 234 of 1920.) Upon the presentation of such complaint, it shall be filed with the Clerk of the Court and the

Judge shall fix by order a time and place for the hearing thereof, not less than three (3) weeks after the date of filing of said complaint. A copy of said complaint and order shall be served as summons in a civil action upon the adverse party within four (4) days after filing the complaint; within seven (7) days after the service of such complaint or petition the adverse party shall file answer to said petition, which shall admit or deny the substantial averments of the petition, and shall state the contention of the defendant with reference to the matter in dispute as disclosed by the petition. The answer shall be verified in like manner as required for a complaint or petition. The Court in its discretion may grant further time for filing the answer or hearing the complaint and allow amendments of said petition and answer at any stage of the proceedings.

3. If the time fixed for filing answer or delay, granted for filing answer by the respondent has elapsed without an answer having been filed, then upon simple request of petitioner the judge of the Court, with whom the complaint or petition has been filed, shall immediately enter a judgment in favor of the petitioner in accord with the facts set forth in the verified petition filed by petitioner and the provisions of this Act.

4. If an answer has been filed by the respondent within the delays allowed by law or granted by the Court, or if no judgment has been entered as provided in the paragraph immediately above at the time for hearing, or any adjournment thereof the said judge shall hear witnesses as may be presented by each party. Either party shall have the right to be present at any hearing or to appear through an attorney. The judge shall not be bound by the usual common law or statutory rules of evidence or by any technical or formal rules of procedure other than as herein provided. The judge shall decide the merits of the controversy as equitably, summarily and simply as may be. Costs may be awarded by the said judge in his discretion, and when so awarded the same costs shall be allowed, taxed and collected as are allowed, taxed and collected for like services and proceedings in civil cases. The judgment rendered by the Court shall have the same force and effect and may be satisfied as other judgments of the same Court.

Right to Appeal

Sec. 19. 1. Be it further enacted, etc., That either the employer or employee shall have the right to appeal to the proper Appellate Court from the judgment rendered as provided in paragraph 3 of Section 1, and in Section 18. To such an appeal preference in hearing shall be given by the Appellate Court such as is given in causes in which the State is an interested party. Such an appeal may be prosecuted by either employer or employee without the necessity of furnishing an appeal bond and shall suspend the operation of the judgment appealed from.

Judgment May Be Modified

Sec. 20. (As amended by Act 38, 1918.) Be it further enacted, etc.,

That a judgment of compensation may be modified at any time by subsequent agreement between employer and employee, with the approval of the Judge of the Court that rendered the judgment sought to be modified, or any time after one year when said judgment of compensation shall have become operative, it may be reviewed by the Judge of the Court that rendered the judgment sought to be modified upon the application of either employer or employee, on the ground that the incapacity of the injured employee has subsequently diminished or increased, such increase growing directly out of the injury for which compensation had been allowed. In such case the provisions of paragraphs 1 and 3 of Section 9 with reference to medical examination shall apply.

Sec. 21. (As amended by Act 247 of 1920.) Be it further enacted, etc., That claims or payments due under this Act shall have the same preference and priority for the whole thereof against the assets of the employer as is allowed by law for any unpaid wages of the laborer; and shall not be assignable, and shall be exempt from all claims of creditors, and from levy, or execution or attachment or garnishment, except under adjudgment of Court for alimony in favor of a wife, or ascendant or descendant.

2. Fees of attorneys and physicians for services under this Act shall be reasonable and shall be measured according to the workman's station and shall be approved by the Court.

Notice Shall Be Filed with Clerk of District Court, etc.

*Sec. 22. (As amended by Act 247 of 1920.) 1. Be it further enacted, etc., That on or before November 1st, 1920, any employer who now comes under the provisions of this Act and any employer who may come under the provisions of this Act on or before October 1st, 1920, and within thirty days after coming under the provisions of this Act any employer who may come under its provisions subsequent to October 1st, 1920, shall file with the Clerk of the District Court of the employer's domicile proof that, in accordance with the provisions of this Act, such employer has taken out insurance against all liability that might arise under this Act, or shall furnish a bond with good and solvent surety, conditioned for the faithful payment of all liability that might arise under this Act, unless excused by the Court from taking out such insurance or furnishing such bond upon proof of financial solvency. Any employer failing to comply with the provisions of this Section shall, if liable for compensation under this Act, be so liable at twice the rate fixed by this Act and shall be liable to pay in a lump sum to any injured employee entitled to compensation under this Act, or to the dependent of any such injured employee, such payment, as together with the amount already paid, if any, will aggregate twice the compensation due under this Act for such injury.

2. If it should be made to appear to the satisfaction of the Court that there is reasonable room for uncertainty as to the financial respon-

sibility of an employer against whom liability for compensation has accrued, and that such employer has not taken out insurance against his liability under this Act, or has not furnished a bond as in this Section provided, the Court may order such employer to forthwith furnish a bond with good and solvent surety, conditioned for the faithful payment of all liability that has arisen or might arise under this Act.

***NOTE.**—The Southern Cotton Oil Company applied to the Supreme Court for the mandamus writ after Judges Fleury and Middleton of the Jefferson Parish Court had refused to receive its petition asking that the company be declared solvent, and that the Court enter an order excusing it from taking out insurance and furnishing bond. The District Judges refused to accept the petition on the grounds the determination of solvency was an executive and not a judicial function.

In the opinion handed down, the Supreme Court upheld Judges Fleury and Middleton, declaring it appeared the law under which the petition was filed contravened Article 96 of the Constitution, in that it is not judicial in its nature. This decision affects only that part of Section 22 covering such a provision, as unconstitutional, and not the remaining portion of said Section or the law itself.

Insurance Policy—Agreement to Pay

Sec. 23. 1. Be it further enacted, etc., That no policy of insurance against liability arising under this Act shall be issued unless it contains the agreement of the insurer that it will promptly pay to the person entitled to compensation all installments of the compensation that may be awarded or agreed upon, and that the obligation shall not be affected by any default of the insured after the injury, or by any default in the giving of any notice required by such policy, or otherwise. Such agreement shall be construed to be a direct obligation by the insurer to the person entitled to compensation, enforceable in his name. No policy of insurance against liability under this Act shall be made unless such policy shall cover the entire liability of the employer under this Act.

Same—Notice to Employer Is Notice to Insurer

Sec. 24. 1. Be it further enacted, etc., That all policies insuring the payment of compensation under this Act must contain a clause to the effect that as between the employee and the insurer the notice to the insured or the knowledge of the occurrence of the injury on the part of the insured shall be deemed to be notice or knowledge on the part of the insurer, as the case may be, that the jurisdiction of the insured for the purpose of this Act shall be the jurisdiction of the insurer; and that, the insurer shall in all things be bound by and subject to the awards, judgments, or decrees rendered against such insured.

Insolvency of Employer—Liability of Insurer

Sec. 25. 1. Be it further enacted, etc., That if any employer shall carry insurance against liability under this Act, and said employer shall be or become insolvent, or any execution upon a judgment for compensation is returned unsatisfied, an employee of such employer, or the dependents of a deceased employee who shall be entitled to payments under this Act may enforce their claim to payments against the insurer of such employer to the same extent that the employer could have enforced his claim against such insurer had he made such payments, any provision contained in any policy or agreement of insurance written after the date of the approval of this Act to the contrary not-

withstanding. And the making of accrued payments to the person entitled thereto in accordance with the provisions of this Act, shall relieve such insurer from liability.

Policy Subject to Provisions of Act

Sec. 26. Be it further enacted, etc., That every policy for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this Act. No company or association shall enter into any such policy of insurance unless its forms shall have been approved by Secretary of State of Louisiana.

Additional Compensation

Sec. 27. (As amended by Act 38, 1918.) 1. Be it further enacted, etc., That an employer and employee who have elected to come under the provisions of this Act or who may be under the provisions of this Act as provided in paragraph 1 of Section 1, may by written agreement between themselves provide for compensation in event of injury to an employee, over and above the compensation to be awarded under the provisions of this Act. Such additional compensation may be provided for by the employer insuring his liability therefor in any insurance company or association authorized to do business in the State of Louisiana and the premium therefor may be paid by employer.

When Compensation Not Allowed

Sec. 28. 1. Be it further enacted, etc., That no compensation shall be allowed for an injury caused (1) by the injured employee's wilful intention to injure himself or to injure another, or (2) by the injured employee's intoxication at the time of the injury, or (3) by the injured employee's deliberate failure to use an adequate guard or protection against accident provided for him or (4) by the employee's deliberate breach of statutory regulations affecting safety of life or limb.

Burden of Proof on Employer

2. In determining whether or not an employer shall be exempt from and relieved of paying compensation because of injury sustained by an employee for the causes and reasons set forth in this Section, the burden of proof shall be upon the employer.

Tutor to Give Bond and Make Report

Sec. 29. 1. Be it further enacted, etc., That where adjudgment has been rendered under the provisions of this Act in favor of a minor or interdict, the tutor or curator shall be required by the Court to furnish a bond in favor of the Court for the faithful performance of his duties, and shall be required by the Court to furnish it annually with a report or accounting of the funds the said tutor or curator may be administering for the said minor or interdict. This report or accounting of the tutor or curator is not to be of the nature of the report of the tutor or curator required to be filed under existing laws, but it is to be a simple verified statement of the receipts of the tutor or curator with a detailed accounting of the expenditures.

Act Does Not Apply to Interstate or Foreign Commerce

Sec. 30. (As amended by Act 244 of 1920.) Be it further enacted, etc., That this Act shall not be construed to apply to any employer acting as a common carrier while engaged in interstate or foreign commerce by railroad, provided that the employee of such common carrier was injured or killed while so employed; but if the injury or killing of an employee of a railroad occurs while the employer and employee are both engaged and employed at the time in an intrastate operation or movement and said movement or operation is not controlled or governed by the laws, rule of liability or method of compensation which has been or may be established by the Congress of the United States, then this Act shall govern and compensation shall be recovered hereunder, and nothing in this Act shall be construed to apply to any work done, nor shall any compensation be payable under this Act to the master, officers or any members of the crew of any vessel used in interstate or foreign commerce which said vessel is not registered or enrolled in the State of Louisiana.

Payment Must Be Made within One Year—Prescription

Sec. 31. 1. Be it further enacted, etc., That in case of personal injury (including death resulting therefrom) all claims for payments shall be forever barred unless within one year after the injury or death the parties shall have agreed upon the payments to be made under this Act, or unless within one year after the injury proceedings have been begun as provided in Sections 17 and 18 of this Act. Where, however, such payments have been made in any case, said limitations shall not take effect until the expiration of one year from the time making the last payment.

Liability of Joint Employers

Sec. 32. Be it further enacted, etc., That in case any employee for whose injury or death payments are due under this Act, shall at the time of the injury, be employed and paid jointly by two or more employers subject to the provisions of this Act, such employers shall contribute to such payments in proportion to their several wage liabilities to such employee; provided, however, that nothing in this Section shall prevent any arrangement between such employers for different distribution as between themselves or the ultimate burden of such payments. If one or more, but not all such employers should be subject to this Act, then the liability of such of them as are so subject shall be to pay that proportion of the entire payments which their proportionate wage liability bears to the entire wages of the employee; provided, however, that such payment by such employer subject to this Act shall not bar the right of recovery against any other joint employer.

Where Employer Becomes Insolvent.

Sec. 33. (As amended by Act 38, 1918.) 1. Be it further enacted, etc., That in event the employer against whom there has been rendered a judgment of Court awarding compensation in favor of an employee or

his dependents should become insolvent or fail to pay six successive installments as they become due, the installments not yet payable under said judgment shall immediately become due and exigible and the judgment shall become executory for the whole amount; provided, that if the employee or his dependent is adequately protected by insurance and receives payments thereunder this right shall not accrue.

Exclusive Right

Sec. 34. (As amended by Act 38, 1918.) Be it further enacted, etc., That the rights and remedies herein granted to an employee or his dependents on account of a personal injury for which he is entitled to compensation under this Act, shall be exclusive of all other rights and remedies of such employee, his personal representatives, dependents, relations, or otherwise, on account of such injury.

Employer May Be Fined

Sec. 35. 1. Be it further enacted, etc., That nothing in this Act shall affect the liability of the employer to a fine or penalty under any other statute.

Employer Not To Be Relieved of Liability

Sec. 36. 1. Be it further enacted, etc., That no contract, rule, regulation or device whatsoever shall operate to relieve the employer in whole or in part, from any liability created by this Act except as herein provided.

Penalty for Misrepresentation

Sec. 37. 1. Be it further enacted, etc., That if for the purpose of obtaining or defeating any benefit or payment under the provisions of this Act, either for himself or any other person, any person wilfully makes a false statement or representation, he shall be guilty of a misdemeanor and upon conviction thereof be fined not exceeding five hundred dollars or imprisoned not exceeding twelve months, or both, in the discretion of the Court; and an employee from and after such conviction shall cease to receive any compensation under this Act.

Accident

Sec. 38. (As amended by Act 38, 1918.) Be it further enacted, etc., That the word "Accident" as used in this Act shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen event happening suddenly or violently, with or without human fault and producing at the time objective symptom of an injury.

The terms "Injury" and "Personal Injuries" shall include only injuries by violence to the physical structure of the body and such diseases or infections as naturally result therefrom. The said terms shall in no case be construed to include any other form of disease or derangement, howsoever caused or contracted.

Definition of Words

Sec. 39. (As amended by Act 38, 1918.) Be it further enacted, etc.,

That the word "Dependent" as used in this Act shall, unless a different meaning is clearly indicated by the context, be construed to mean the person or persons to whom under the provisions of Section 8 compensation shall be paid upon the death of the injured employee. The word "Court" as used in Section 37 of this Act means the Criminal Court having jurisdiction of the person making the false statement of representation, but wherever else used in this Act, the word "Court" shall be construed to mean the Court which shall have jurisdiction over the employer in a civil case involving more than One Hundred Dollars, unless said Court shall not have jurisdiction on account of the amount involved in which event it shall mean the Court having jurisdiction, or where there is more than one judge of said Court, then either or any of said judges of said Court.

Plural and Feminine Included

Sec. 40. Be it further enacted, etc., That whenever in this Act the singular is used, the plural shall be included, where the masculine gender is used, the feminine shall be included.

Unconstitutional Provisions

Sec. 41. 1. Be it further enacted, etc., That if any provision of this Act shall be declared unconstitutional or invalid, such unconstitutionality or invalidity shall in no way affect the validity of any portion thereof which can be given reasonable effect without the provision so declared unconstitutional or invalid.

Existing and Pending Action

Sec. 42. 1. Be it further enacted, etc., That this Act shall not affect any cause or action existing or pending before it went into effect.

Sec. 43. 1. Be it further enacted, etc., That this Act shall take effect and be in force from and after January 1, 1915.

NOTE.—Plaintiff sued to recover damages for personal injuries. This the court dismissed on exception of no cause for action, based on the claim that the suit should have been brought under the Employers' Liability Act. Plaintiff appealed, and pending the appeal sued the defendant under the Employers' Liability Act, and a judgment was entered in that suit. Defendants then moved in the Supreme Court to dismiss the appeal. Held that under the Constitution of 1898 and 1913 (Art. 35) the Court had no jurisdiction to hear and consider facts dehors the record in certain cases, and dismissed the appeal on the ground that the judgment in the second case ended the controversy. *Gannon vs. Grant T. & M. Co.*, 140 La. 151.

An independent contractor has no right of action under the Employers' Liability Act for damages for personal injuries sustained by him, while engaged in executing his contract. *Clark vs. Tall Timber Lumber Co.*, 120 La. 380.

What are "injuries arising out of employment?" "hazardous employment?" "total disability?" *Meyers vs. Louisiana Railway & Navigation Co.*, 140 La. 937.

The widow receiving compensation under the Employers' Liability Act for the death of her husband may subrogate the employer paying compensation to all her rights against the party which caused the injury. *City of Shreveport, subrogee, vs. Southwestern Gas & Electric Co.*, 140 La. 1078.

Method of arriving at the "average wages" received by an employee. Pleadings and procedure of the Act. *McGuerst et al. vs. Gillespie*, 141 La. 586.

The acceptance by the employer and the insurance company which had covered him against all liability, under the Employers' Liability Act, eliminates the question whether the employee's injuries fall within the Act, and leaves for determination only the amount of compensation. *Summers vs. Woodward, Wight & Co.*, 142 La. 241.

The Employers' Liability Act is not invalid as embracing objects not expressed in the title, or because it repeals R. C. C., Art. 2315, insofar "as it is inconsistent with this latter legislation." Pleadings under this Act. *Whettington, etc., vs. Louisiana Saw Mill Co.*, 142 La. 322.

One defeated in a suit for damages for personal injuries is not debarred from suing for compensation under the Employers' Liability Act for the same cause of action. The provisions of paragraph 3, Section 3, of the Act only applies to contracts which have been in existence more than thirty days. *Woodruff vs. Producers' Oil Co.*, 142 La. 368.

The employee of a stevedore, even if engaged in a maritime occupation when injured by falling through the hatch of a vessel on which he is working, may recover compensation under the Employers' Liability Act. *Veasey vs. Peters*, 142 La. 1012. Plaintiff at the expiration of seven days had judgment entered against defendant under the Employers' Liability Act. The day after, on application of defendant, the Judge set the judgment aside and granted defendant time to answer. Held an appeal will not lie from the setting aside of the judgment. *Joyce vs. Nona Mills Co.*, 142 La. 934.

Election by employer and employee is presumed in the absence of an express statement in writing to the contrary, in the contract of hiring or by written notice, at the time of hiring, by either party to the other, that the provisions of this Act are not intended to apply. *Whittington vs. Louisiana Sawmill Co.*, 76 So. 754; *Woodruff vs. Producers' Oil Co.*, id. 803; *Boyer vs. Crescent Paper Box Factory*, 78 So. 596; *Philps vs. Guy Drilling Co.*, 79 So. 549.

If the employer rejects the Act, the defenses of assumption of risk, fellow-servant's fault and contributory negligence are abrogated, and the negligence of the employer is presumed, in case of an employee's action for damages. If the employer accepts the Act and the employee does not, such defenses remain. *Smith vs. White*, 83 So. 584.

All employees of State, parishes, etc., except public officials. Private employments in course of employer's business in hazardous occupations enumerated, and in other occupations agreed or decided by court to be hazardous. Other employment may be brought under Act by mutual agreement. *Myers vs. Louisiana Ry. & Navigation Co.*, 74 So. 256; *Bergeron vs. Texas & Pac. Ry. Co.*, 80 So. 262; *Ryland vs. Harve M. Wheeler Lumber Co.*, 84 So. 55; *Haddad vs. Commercial Motor Truck Co.*, 84 So. 197.

Personal injuries by accident arising out of and in the course of employment unless due to (1) employee's wilful intention to injure self or another, (2) his intoxication, (3) deliberate failure to use a device or guard against accident provided by the employer, or (4) deliberate breach of statutory regulations for safety. Accident means unexpected or unforeseen event, happening suddenly or violently and producing at the time objective symptoms of an injury. Injury includes only injury by violence to physical structure of body and such diseases and infections as naturally result therefrom. *Myers vs. Louisiana Ry. & Navigation Co.*, 74 So. 256; *Piske vs. Brooklyn Cooperage Co.*, 78 So. 734; *Smith vs. White*, 83 So. 584.

Notice of injury must be given to employer within six months after injury or death. Employer must post placard warning employees of notice required, otherwise period of limitation for notice is doubled. Actual knowledge excuses notice. Failure or inaccuracy of notice is no bar to compensation unless employer was prejudiced thereby. Settlement must be reached, or proceedings begun, within a year after injury or death, or last payment, if any, otherwise the claim is barred. *Boyer vs. Crescent Paper Box Factory*, 78 So. 596; *Colorado vs. Johnson Iron Works*, 83 So. 381; *Smith vs. White*, 83 So. 584; *Norwood vs. Lake Bisteneau Oil Co.*, 83 So. 25.

If temporary, 60 per cent. of wages, maximum \$18, minimum \$3 or full wages per week; maximum period 300 weeks. If permanent, same rate, maximum \$16, minimum, \$3, weekly, maximum period 400 weeks. Certain severe injuries deemed to constitute permanent total disability. *Myers vs. Louisiana Ry. & Navigation Co.*, 74 So. 256; *Summers vs. Woodward, Wight & Co.*, 76 So. 674; *Mack vs. Legeal*, 81 So. 694; *Smith vs. White*, 83 So. 584; *Brooks vs. Peerless Oil Co.*, 83 So. 663.

Sixty per cent. of loss in earning power, maximum \$18 weekly, maximum period 300 weeks. Specific schedule, 60 per cent. of wages; maximum \$18, minimum \$3 or full wages, weekly, for specified periods, ranging from 5 to 200 weeks. Where the usefulness of a function or member is permanently impaired compensation is such proportion of the compensation specified for loss of function or member as may be reasonable, maximum, 100 weeks. Special provision as to disfigurement. *Boyer vs. Crescent Paper Box Factory*, 78 So. 596; *Mack vs. Legeal*, 81 So. 694; *Smith vs. White*, 83 So. 584; *Porter vs. Alfred S. Amer Co.*, 83 So. 852; *Norwood vs. Lake Bisteneau Oil Co.*, 83 So. 25.

Employer must post conspicuously at his place of business, notice to employees giving the name and address of person who is to be notified in case of injury; otherwise the period allowed for giving notice is extended to twelve months. *Boyer vs. Crescent Paper Box Factory*, 78 So. 596; *Colorado vs. Johnson Iron Works*, 83 So. 381.

If any provision of the Act is held unconstitutional, it shall not affect the validity of any other portion which can be given reasonable effect without such invalid provision.

Constitutionality of the Act has been upheld by the Supreme Court of Louisiana in *Whittington vs. Louisiana Sawmill Co.*, 76 So. 754; *Boyer vs. Crescent Paper Box Factory*, 78 So. 596; *Day vs. Louisiana Central Lumber Co.*, 81 So. 328; *Colorado vs. Johnson Iron Works*, 83 So. 381.

MAINTENANCE OF COMPENSATION INSURANCE REGULATED**Act 39 of 1918, P. 61****TITLE**

AN ACT regulating compensation maintenance, cost to be borne by employers, etc.

Employers Bear Expense

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That it shall be unlawful for any employer, either person, firm, association or corporation, or his or its agents or representative, to collect from any of its employees directly or indirectly either by way of deduction from such employee's wages, salary or compensation or otherwise any amount whatever, or to demand, request or accept any amount from any employee, either for the purpose of paying the premium in whole or in part on any Liability or Compensation insurance of any kind whatever on behalf of any employee or to reimburse such employer in whole or in part for any such premium or for the premium on any insurance against any liability whatever to any employee or for the purpose of the employer carrying any such insurance for the employer's own account, or to demand or request of any employee that such employee make any payment or contribution for any such purpose to any other person, firm, association or corporation; provided that nothing herein shall be construed to prevent any employer from carrying his or its own insurance towards his or its own employees and provided that nothing herein shall apply to an employer qualified under the laws of this state to engage in the liability insurance business.

Penalty

Sec. 2. Be it further enacted, etc., That any person, firm or corporation violating any provision of this Act, shall be guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding five hundred (\$500.00) dollars, or by imprisonment in the parish prison or jail not exceeding a year, or by both such fine and imprisonment, at the discretion of the Court.

Repealing Clause

Sec. 3. Be it further enacted, etc., That all laws in conflict herewith be and the same are hereby repealed.

PROTECTION AGAINST ISSOLVENCY OF ASSURED, ETC.**Act 153 of 1918, P. 263****TITLE**

AN ACT providing that no policy of insurance against liability shall be issued unless it contains a proviso that the solvency or bankruptcy of the assured shall not release the company from liability or loss occasioned during the life of a policy, etc.

Bonds Guaranteeing Performance of Contract, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That all Contracts or Policies of Fire, Steam Boiler, Automobile, Workmen's Compensation, Health and Burglary Insurance, Surety Bonds, Bonds guaranteeing the fidelity of persons holding office of public or private trust or Bonds guaranteeing the performance of contracts or assuming in whole or in part the public liability of a common carrier, on risks or property located in the State of Louisiana or in connection with any business conducted or operated within the State of Louisiana, which contracts, policies or undertakings may be issued or entered into by companies, corporations or associations authorized to do business in the State of Louisiana, shall be issued and countersigned by a duly authorized representative who is a bona fide resident of the State of Louisiana, duly commissioned and licensed by the Secretary of State, and such duly authorized representative shall receive on each contract, policy, bond or undertaking the full usual commission allowed and paid by such companies, corporations or associations to their agents on business written or transacted for them; and requiring further that where policies, contracts or forms used in writing such insurance policies or contracts are placed by the companies with their local agents that the companies shall be prohibited from placing such policies, contracts or forms with any agency which is not actually domiciled in the State of Louisiana and which does not keep such policies, contracts or forms in the State of Louisiana until delivered to the assured or other recipient of the completed contract; and further requiring that the countersignature on all such contracts, policies or undertakings shall be in the handwriting of the resident agent or such other person as he may delegate this authority to, provided such person be also a bona fide resident of the State. Provided further that in the event that any local representative of any such companies is composed of a firm, partnership, company or corporation consisting in part of residents of the State of Louisiana and in part of non-residents of the State of Louisiana, then the non-residents of Louisiana shall be prohibited from countersigning such policies or contracts with the firm name of the representative licensed by the Secretary of State. Provided further that this section shall not apply to policies of reinsurance nor to policies covering on the rolling stock of railroad companies doing a general freight and passenger business, nor to fraternal associations or policies of life or endowment insurance which include provisions for the waiver of premiums or for other benefits in event of accident or disability.

Duties of the Secretary of State, etc.

Sec. 2. Be it further enacted, etc., That it shall be the duty of the Secretary of State to require each company, corporation or association applying for authority or the renewal of authority to do business in the State, to file with him prior to the first day of March in each

year an affidavit that it has strictly complied with the provisions of this Act, and the Secretary of State shall decline to issue any certificate of authority to do business in this State to any company, corporation or association which shall fail to furnish said affidavit that it has complied with the provisions of this Act.

Violations, etc.

Sec. 3. Be it further enacted, etc., That any company, corporation or association permitting their contracts to be issued in violation of this Act, shall have its license to do business in this State revoked by the Secretary of State.

Repealing Clause

Sec. 4. Be it further enacted, etc., That all laws or parts of laws in conflict or inconsistent with the provisions of this Act be and the same are hereby repealed, especially Act No. 218 of the Session Acts of the General Assembly of the State of Louisiana, approved July 6th, 1916.

BUILDING CONTRACTS, ETC.**BUILDING CONTRACTORS; BONDS TO BE WRITTEN AND
RECORDED, ETC.****Act 139 of 1922, P. 290****TITLE**

AN ACT relative to building contracts; providing bonds, recordation of same and creating of liens for contractors, mechanics, laborers, materials, machinery or fixtures for any building in the State, etc.

Contracts to be Written and Recorded

SECTION 1. Be it enacted by the Legislature of Louisiana, That every contract hereafter made or entered into for the repair, reconstruction, erection or construction of a building or of any other work by an undertaker, contractor, master mechanic, contracting engineer, shall be reduced to writing and signed by the parties under private signatures, or by authentic act, and shall be recorded in the office of the Recorder of Mortgages for the Parish wherein the building or said work is to be erected or performed before the day fixed on which said work is to commence and not later than thirty days after the date of said contract. and such recordation shall preserve the liens and privileges, which liens and privileges are hereby created, on the building or other structure so repaired, reconstructed, erected or constructed, and on the land on which it is situated, in favor of every undertaker, architect, consulting engineer, contractor, master mechanic, or contracting engineer and sub-contractors, workmen, journeymen, cartmen, truckmen, laborers, mechanics or furnishers of material, machinery or fixtures as their interest may arise. The owners of such work shall require of said undertaker, contractor, master mechanic, or engineer, a bond with good and solvent surety as follows: For all contracts not exceeding Five Thousand Dollars the amount of the bond shall be the amount of the contract; for contracts over Five Thousand Dollars, and not exceeding One Hundred Thousand Dollars the bond shall not be less than fifty per cent of the contract; for contracts not exceeding One Million Dollars but over One Hundred Thousand Dollars the bond shall not be less than thirty-three and one-third per cent of the contract, and for contracts exceeding One Million Dollars, the bond shall not be less than twenty-five per cent of the contract.

Bond to be Attached and Recorded; Claims; Time Limit, etc.

Sec. 2. The bond shall be attached to and recorded with the contract, and for contracts exceeding One Million Dollars, the bond shall the bond shall be the true and faithful performance of the contract and the payment of all sub-contractors, journeymen, cartmen, truckmen, workmen, laborers, mechanics and furnishers of material jointly as their interest may arise. Every person having a claim against the undertaker, contractor, master mechanic or contracting engineer shall

after the date of the completion of the said work by, or the date of default of the undertaker, contractor, master mechanic or contracting engineer, mail or otherwise send a sworn itemized statement thereof to the owner or his architect or other representative, and record a sworn statement of the amount thereof, or his contract, if it has been reduced to writing, in the office of the Recorder of Mortgages for the Parish in which the said work has been done within thirty days after the registry of notice with the Recorder of Mortgages for the Parish where the work is done, by the owner of his acceptance of the work or of the contractor's default, or the recordation of the architect's certificate of completion, until which time the delay to file claims of privileges shall not run. If at the expiration of said thirty days there are no such recorded claims filed, the Recorder of Mortgages, shall upon written demand of any party interested, cancel and erase from the books of his office all inscriptions resulting from the recordation of said contract or bond as to all parties except the contractor. If at the expiration of thirty days there are such recorded claims filed, the owner or other interested person may file a petition in a Court of competent jurisdiction citing all claimants, including the undertaker, contractor, master mechanic, or engineer, against whom said claims are filed and the surety on the bond, and shall therein assert whatever claim he has against any or all of them and require said claimants to assert their respective claims; and all of said claims shall be tried in concursus. In the event that the owner has claims in concursus with the other claimants who have a lien and privilege on his property under the provisions of this Act, the cost of completing the building or other work by reason of the default of the original contract, when established to the satisfaction of the Court, and when paid for by the owner, shall be reimbursed to him by preference out of any balance which might have been due under the contract if completed by the contractor; but the owner shall have no claim for the excess in the cost of completion if such costs exceeds the amount of said balance, or for any other of his claims against the surety on the bond of the contract until all other claimants have been paid in full. When the owner files a concursus proceeding he must deposit in Court whatever funds, if any, remain in his hands after paying the costs of completing the building if he was compelled to complete it by reason of the default of the contractor; but any claimant shall have the right to show in that suit or other appropriate proceeding that the amount claimed to have been paid by the owner for such completion was not really paid or that work was done not covered by the original contract and pending the trial of such issue the liens and privileges herein given to subcontractors and others shall remain in full force and effect.

Claim to Operate Against Lessee

Sec. 3. Where any work as hereinabove set forth is done on buildings or other improvements made, where the person for whom the

work is done or with whom the contract is made, or by whom the work is done is not the owner of the land upon which the work is located, then the liens and privileges created and established by this Act shall operate upon whatever right said person having the work done, or doing the work, may have to the use of the land as lessee, usufructuary or otherwise; and said lien and privilege shall operate against the lease such person holds if there is one, or if said work is caused to be erected by a mineral lessee, then the privilege shall exist against the mineral lease and whatever rights the lessee may have therein, thereon or thereto; provided, however, that the privileges hereby created shall not interfere with the lessor's lien and privilege or his right to demand and recover occupancy of the leased premises in default of the payment of rent, or his right to sell the lease or right of occupancy under any judgment he may obtain against lessee growing out of the lease; and in the case of any such sale, the privileges herein created shall be restricted to the proceeds of sale and shall not follow the property, the lease, or the right of occupancy.

If no Claims, Inscriptions Shall be Erased

Sec. 4. If no objections are made by any of the recorded claimants to the sufficiency or solvency of the surety on the bond within ten days after the filing of said concursus, the Court shall order its clerk to give to any party interested a certificate to that effect and on presentation of said certificate to the Recorder of Mortgages he shall cancel and erase all inscriptions created by the recordation of said contract, bond and claims.

Liability of Owner, etc.

Sec. 5. If the bond is found to be insufficient in amount or not to have a proper and solvent surety, or if the owner fails to require a bond, or if he fail to record the contract and bond during the time herein provided, he shall be liable to sub-contractors, journeymen, cartmen, truckmen, workmen, laborers, and mechanics and furnishers of material to the same extent as the surety would have been. And the privilege, hereinbefore provided for if recorded as provided in Section 2 hereof, shall remain in full force and effect until all claims against the building or other work erected on the land on which it is situated shall have been paid, unless otherwise ordered by the Court. In all cases where surety has been furnished, the surety shall be entitled to make only the same defenses that the contractor for whom he signed the bond is authorized to make except as to the owner who has made payments in anticipation.

Failure to Record Bond, no Release

Sec. 6. The failure of the owner to record the contract and bond or failure to obtain a sufficient bond, shall not release the surety as to the owner who shall have full recourse against such surety up to the amount of the bond for whatever he may have to pay to complete

the building or other work to satisfy the claims of all those who have done work thereon or furnished material and who have not been paid by the contractor.

Contract May Provide for Partial Payments

Sec. 7. A building contract may provide for partial payments as the work progresses and any payment made by the owner strictly in accordance with the contract, shall absolve him from further liability therefor, provided he has exacted a bond and has recorded the contract and bond as required by this Act.

Privileges Superior to all Other Claims, Exceptions

Sec. 8. The privileges accorded by this Act shall be superior to all other claims against the building or other work, and the land on which it is situated, except taxes, local assessments for public improvements and the vendor's privilege on the land recorded prior to the building contract, and the holder of such vendor's privileges shall be entitled to a separate appraisalment of the ground and of the building or other work thereon and the holder of such privilege shall be paid from the sale of the property in proportion to the appraisalment on the land and the holders of the other privileges herein granted shall be paid from said sale in proportion to the appraisalment of the building.

Rank of Privilege

Sec. 9. The privilege herein granted, except where special rank is given thereto, shall be of equal rank if recorded as provided in Section 2 hereof, and shall be paid jointly out of the balance of funds in the hands of the owner or by the surety on the bond, if such balance is sufficient to pay them in full.

Attorney's Fee

Sec. 10. In any concursus proceeding the Attorney of the owner shall be entitled to a prior fee to be recovered against the fund deposited or against the surety, but this fee shall not be paid in preference to the claims of sub-contractors, journeymen, cartmen, truckmen, laborers or material men; and any claim of demurrage or liquidated damage which the owner may have against the contractor may be allowed only with the same rank. Should the owner not recover all he claims in the concursus proceeding the Attorney's fees as fixed by the Court shall be reduced proportionately. In any concursus proceeding there shall be paid by preference over all other claims the costs of the proceedings in Court. Any surety so desiring may invoke the concursus proceeding herein authorized by proper proceeding in Court and by depositing in Court at the time of filing of the proceeding the full amount of the bond, provided, that after the case is at issue such surety may withdraw with the permission of the Court all of the deposit made except sufficient to cover the claims made in the concursus and twenty-five per cent additional thereto.

When no Contract Has Been Entered Into

Sec. 11. Whenever the owner or his authorized agent or representative undertakes the repair, reconstruction, erection or construction of a building or any other work for his own account or for which no contract has been entered into, then any person furnishing services or material or performing any labor on said building or other structure, may record in the Mortgage Office in the Parish in which said work is being constructed, a certified copy of the building permit, or affidavit of claim or any other writing evidencing same, which recordation shall create a lien and privilege upon the building or other structure and on the land upon which it is situated, as created by this Act, in favor of the said contractor, master mechanic or contracting engineer, and sub-contractors, workmen, journeymen, cartmen, truckmen, mechanics and furnishers of material, as their interest may arise, for the period of one year from the completion or occupancy of the building or other work which term shall not run pending judicial proceedings.

Architects and Consulting Engineers

Sec. 12. Architects and consulting engineers employed by the owner or other person as provided in Section 2 hereof, in connection with buildings or other work erected or constructed under the terms of this Act shall have a lien and privilege for the payment of their contract charges on the building or other work and on the land on which it stands, of equal rank with the contractor; and said lien and privilege may be recorded at any time up to the limit of time provided in said Section, but shall affect third persons only from the date of recordation.

Claims of Laborers

Sec. 13. The claims of laborers in all cases covered by this Act shall be secured by the lien and privilege hereinbefore created, against buildings or other works whereon the labor was performed and against the land on which the same is situated, until they have been paid in full.

Claimant's Right

Sec. 14. Nothing in this Act shall be so construed as to deprive any claimant within the terms of this Act of his right of action upon the bond, which right shall accrue at any time after the maturity of his claim.

Repealing Clause

Sec. 15. All laws and parts of laws in conflict or inconsistent herewith on the same subject matter be, and the same are hereby repealed; except that all contracts made heretofore or before December 31st, 1922, whether recorded or not, and the rights and obligations of all parties as to incompleted buildings or other works where there is no contract, shall be subject to the laws now existing.

When in Effect

Sec. 16. This law shall be in force and effect from and after the 31st day of December, 1922.

BUILDING CONTRACTS; BOND RECORDED, LIEN, ETC.**Act 262 of 1916, P. 536****TITLE**

AN ACT to amend and re-enact Section One of Act No. 167 of 1912, approved July 11, 1912, as amended by Act No. 221 of the Acts of 1914, approved July 9, 1914, which Act No. 221 of 1914 is an Act entitled, to amend and re-enact Section One of Act 167 of 1912, which Act 167 of 1912 is entitled "An act relative to building contracts in this State; providing for the bond to be given therein, for the protection of the owner; sub-contractor; workman; laborer; mechanic and furnishers of materials, for the recordation of the same, and the proceedings to be had thereunder."

Re-enactment

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That Section One of Act No. 167 of the General Assembly of Louisiana for the year 1912, be amended and re-enacted so as to read as follows:

Contract in Writing; Signed and Recorded, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That every contract for \$500.00 or more hereafter made or entered into for the repair, reconstruction, erection or construction of any work by an undertaker, contractor, master mechanic or engineer shall be reduced to writing and signed by all parties, under private signature, or authentic Act and shall be recorded in the office of Recorder of Mortgages of the Parish wherein the said work is to be executed, before the day fixed on which said work is to commence and not later than thirty days after the date of said contract and such recordation shall create a lien and privilege on the building and grounds or other work so repaired, reconstructed, erected, or constructed, in favor of the said undertaker, contractor, master mechanic, engineer, sub-contractor, workman, laborer, mechanic or furnisher of materials as their interest may appear.

The owner of such work shall require of said undertaker, contractor, master mechanic, or engineer a bond with good and solvent surety as follows: For all contracts aggregating \$500.00 to \$100,000.00, inclusive, surety shall be required for not less than one-half the amount of the contract. For all contracts aggregating over \$100,000.00 to \$1,000,000.00, inclusive, surety shall be required for not less than one-third the amount of the contract. For all contracts over \$1,000,000.00 surety shall be required for not less than one-fourth of the amount of the contract price, which bond shall be attached to and recorded with the contract in the Mortgage Office as above set forth, and the conditions of the bonds shall be the true and faithful performance of the contract and the payment of all sub-contractors, workmen, laborers, mechanics and furnishers of materials, the said bond to be made in favor

of the owner, sub-contractor, workmen, laborer, mechanics and furnishers of materials jointly as their interest may appear.

Every person having a claim against the undertaker, contractor, sub-contractor, master mechanic or engineer shall, after the date of the completion of the said work by, or the date of default of the undertaker, contractor, master mechanic or engineer, file sworn statement thereof with the owner and record a sworn statement thereof or his contract, if it has been reduced to writing, in the office of the Recorder of Mortgages for the parish in which the said work has been done, within forty-five days after the register of notice with the Recorder of Mortgages of the Parish where the work is done, by the owner of his acceptance of the work, until which time the delay to file privileges will not run.

If at the expiration of the said forty-five days there are no such recorded claims filed, the Recorder of Mortgages shall, upon written demand of any party interested, cancel and erase from the books of his office all inscriptions resulting from the recordation of said contract or bond. If, at the expiration of said forty-five days there are such recorded claims filed, the owner shall file a petition in a court of competent jurisdiction citing such claimants, and the undertaker, contractor, master mechanic or engineer, against whom said claims are filed and the surety of said bond, and the owner shall assert whatever claim he has against any or all of them in said petition and require said claimants to assert their claims, and all of said claims shall be tried in concursus. In the event that the owner has a claim in concursus with the other claimants who have a lien and privilege under the provisions of this Act, they shall be paid in preference to the owner.

If no objections are made by any of the said claimants to the sufficiency or solvency of said bond within ten days after the service of judicial notice of the filing of said concursus the Clerk of the Court shall give to the party interested a certificate to that effect and on presentation of said certificate to the Recorder of Mortgages he shall cancel and erase all inscriptions created by the recordation of said contract, bond or said claims.

If objections are made to the sufficiency or solvency of the surety, they shall be tried summarily and if the surety is found to be not solvent, or insufficient to cover the full amount for which he is bound, or if the owner fails to exact bond, or if he fails to cause same to be recorded in the office of the Recorder of Mortgages in the manner or in the time hereinabove provided the owner shall be in default and shall be liable to the same extent as the surety would have been, and all sub-contractors, workmen, laborers, mechanics and furnishers of materials shall have a first privilege on said building or improvement and grounds to secure the amount due them when their claims are recorded as herein provided. The surety herein shall be limited to such defenses only as the principal on the bond can make.

The purpose of this act is to require owners to secure bonds with solvent and sufficient security of the undertaker, contractor, master mechanic or engineer for the protection of all parties interested in the contract, and as their interest may appear, and said surety, and, in default of surety, the owner is to stand in the place of a defaulting undertaker, contractor, master mechanic or engineer."

Right of Claimant Upon the Bond

Sec. 2. Be it further enacted, etc., That nothing in this act shall be so construed as to deprive any claimant within the terms of this act of his right of action upon the bond, which right shall accrue at any time after the maturity of his claim.

May Provoke the Concursus Proceeding

Sec. 3. Be it further enacted, etc., That thirty days after the expiration of the term provided in the contract for the completion of the work, whether same be completed or not, and whether the owner has registered notice of his acceptance of the work as provided in Section One or not, any claimant within the provisions of this Act may provoke the concursus provided in Section One, in the same manner as it is therein provided that the owner may do so. Where no time has been specified for the completion of the contract, any of the persons herein named, having claims may serve attested accounts and record same and bring suit or may provoke the concursus proceeding herein provided at any time after 90 days from date of contract; and when there has been no written contract, 90 days from commencement of work.

Repealing Clause

Sec. 4. Be it further enacted, etc., That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

CONTRACTORS AND SUB-CONTRACTORS FORFEITING ON CONTRACT, BOND, ETC.

Act 183 of 1920, P. 301

TITLE

AN ACT providing against contractors or sub-contractors forfeiting on any contract, defining how moneys received shall be distributed, making it a violation to apply moneys paid on contract to any other purpose than labor and materials, except shall not apply where good and solvent bond is given, etc.

Defining How Money Paid on Contract Shall be Used, etc.

SECTION 1. Be it enacted by the General Assembly of Louisiana, That any contractor or sub-contractor who shall default on any contract for the construction, erection or repair or any building, structure or other improvement and who shall have applied any money received on

account of said contract to any other purpose than the settlement of claims for material and labor due or to become due thereunder shall be guilty of a misdemeanor.

Penalty

Sec. 2. Be it further enacted, etc., That any person convicted of a violation of this act shall be sentenced to not less than thirty (30) days nor more than six (6) months in the parish jail and shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) and in default of fine shall serve not less than thirty (30) days and not more than six (6) months additional.

To Whom This Act Shall Not Apply

Sec. 3. Be it further enacted, etc., That the provisions of this Act shall not apply to any contract where good solvent surety is furnished as required by Act No. 262 of 1916 of the General Assembly of the State of Louisiana.

Contractor and Sub-Contractor Defined

Sec. 4. Be it further enacted, etc., That the terms "contractor" and "sub-contractor", as used in this act, are hereby defined to include every person, firm, corporation or association, their agents and officers.

Repealing Clause

Sec. 5. Be it further enacted, etc., That all laws or parts of laws contrary to or in conflict with the provisions of this Act be and the same are hereby repealed.

CONTRACT FOR DRILLING WELLS, LIENS, BONDS, ETC.

Act 232 of 1916, P. 498

TITLE

AN ACT relative to drilling contracts in this State, providing for the bond to be given therein for the protection of the owner, sub-contractor, workmen, laborers, mechanics and furnishers of materials, etc.

Contract Must be in Writing and Recorded

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That every contract for one thousand dollars or more, hereafter made or entered into for the drilling of any well for oil, gas or water shall be reduced to writing and signed by all parties, and shall be recorded in the office of the Recorder of Mortgages of the parish in which said work is to be executed, before the day fixed on which said work is to commence and not later than thirty days after the date of said contract.

Recordation Creates Lien and Privilege

Sec. 2. Be it further enacted, etc., That such recordation in the office of the Recorder of Mortgages shall create a lien and privilege

on the well and appurtenances and appliances thereto attached for its equipment and operation and on the ground immediately next to the well, not to exceed ten acres, however, provided that the vendor's lien and privilege on such appliances and appurtenances that have not lost their identity and may be segregated shall remain unimpaired and retain its present status as provided for by existing laws. In the event the owner of the well is not the owner of the ground on which the well is located, but is the lessee of the same, then the lien and privilege shall attach to the lease, and to the owner's other rights on the land.

Bond by Contractor Must be Recorded

Sec. 3. Be it further enacted, etc., That the owner of said well shall require of the said contractor or undertaker a bond with good and solvent surety for not less than one-half the amount of the contract, which bond shall be attached to and recorded with the contract in the Mortgage Office as above set forth, and the conditions of the bond shall be the true and faithful performance of the contract and the payment of all sub-contractors, workmen, laborers, mechanics and furnishers of materials by the contractor or undertaker, the said bond to be made in favor of the owner, sub-contractor, workmen, laborers, mechanics and furnishers of materials jointly as their interest may appear.

Record of Creditor's Sworn Statement

Sec. 4. Be it further enacted, etc., That every person having a claim against the contractor or undertaker shall after the date of completion of said work by, or the default of the contractor or undertaker, file a sworn statement thereof, with the owner, and record a sworn statement thereof, of his contract, if it has been reduced to writing, in the office of the Recorder of Mortgages for the parish in which said work has been done, within thirty days after the registry of notice with the Recorder of Mortgages of the said parish by the owner of his acceptance of the work, until which time the delay to file privileges will not run.

Erasure of Inscription After Thirty Days

Sec. 5. Be it further enacted, etc., That if at the expiration of the said thirty days there are no such recorded claims filed, the Recorder of Mortgages shall, upon written demand of any party interested, cancel and erase from the books of his office all inscriptions resulting from the recordation of said contract or bond. If at the expiration of said thirty days there are such recorded claims filed, the owner shall file a petition in the court of competent jurisdiction citing said claimants, the contractor or undertaker, against whom said claims are filed, and the surety of said bond, and the owner shall assert whatever claim he has against any or all of them in said petition, and require all claimants to assert their claims, and all said claims shall be tried in concursus. In the event that the owner has a claim in concursus

with the other claimants who have a lien and privilege under the provisions of this Act, they shall be paid in preference to the owner. If no objections are made by any of the said claimants to the sufficiency or solvency of said bond within ten days after the filing of said concursus, the Clerk of the Court shall give to any party interested a certificate to that effect, and on presentation of said certificate to the Recorder of Mortgages he shall cancel and erase all inscriptions created by the recordation of said contract, bond or said claims. If objections are made to the sufficiency or solvency of the surety, they shall be tried summarily, and if the surety is found to be not solvent or sufficient to cover the full amount for which he is bound, or if the owner fails to exact bond, or if he fails to have same recorded in the office of the Recorder of Mortgages in the manner or in the time hereinabove provided, the owner shall be in default and be liable to the same extent as the surety would have been, and all sub-contractors, workmen, laborers, mechanics and furnishers of materials shall have a first privilege on said well, and the said land on which it is located, and in the event the owner of the well does not own the said land, then this first privilege shall exist on the lease or other right on the said land under which the well is drilled, to secure the amount due them when their claims are served and recorded as herein provided.

Purpose of Act

Sec. 6. Be it further enacted, etc., That the purpose of this Act is to require owners to secure bond with solvent and sufficient security of the contractor or undertaker for the protection of all parties interested in the contract, and as their interest may appear, in which said surety is to stand in place and stead of a defaulting contractor or undertaker.

Last Payment

Sec. 7. Be it further enacted, etc., That the owner shall not make the last payment due on said contract, which shall not be less than one-fifth of the contract price, until thirty days, during which liens may be filed in accordance with the provisions of this Act, have elapsed.

Repealing Clause

Sec. 8. Be it further enacted, etc., That all laws or parts of laws in conflict with the provisions of this Act, be and the same are hereby repealed.

FAILURE TO PAY AS DEFINED IN CONTRACT. AND AS PER BOND, ETC.

Act 225 of 1918, P. 408

TITLE

AN ACT requiring any security on bond, whether in judicial proceedings, building contracts or otherwise, to promptly pay its obliga-

tion thereunder to any person having a claim, demand or right of action thereunder, as per the terms of his or its obligation where the principal fails to pay as per the terms of the contract; providing for the recovery of ten per cent attorneys fees on the amount recovered where suit is filed for the recovery of the amount so claimed; providing that said attorneys fees shall only be recoverable where the full amount claimed by the suitor is recovered by judgment, and that suit may only be filed, where attorneys fees are sought to be recovered, after amicable demand has been made for payment on the principal and surety and thirty days shall elapse thereafter without the claim being paid.

Surety on Bond to Pay Promptly, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That it shall be the duty of every surety on a bond, whether given in a judicial proceeding, building contract or otherwise, to promptly pay its obligation under the bond when it arises to any person, firm or corporation having a claim, demand or right of action on the bond where the principal fails to pay as per the terms of his contract and in the event that the surety should fail to pay his or its obligation as aforesaid, and it should become necessary for such person, firm or corporation to file suit against the principal and surety, for the recovery of the amount due and owing, the said person, firm or corporation so filing suit who, has employed an attorney, shall be entitled to recover, and the court shall award, ten per cent attorneys fees on the amount recovered, provided that the said ten per cent attorneys fees shall only be recoverable where the full amount claimed by the suitor is recovered, and that the said suit may only be filed, where attorneys fees are sought to be recovered, after amicable demand for payment has been made in writing on the principal and surety, and thirty days shall elapse from the receipt of said notice by the principal and surety from the claimant without payment being made.

Repealing Clause

Sec. 2. Be it further enacted, etc., That all laws or parts of laws in conflict herewith be and the same are hereby repealed, and that this act shall only apply to future obligations and contracts entered into, and shall not in any manner affect the right to recover interest and costs as now provided by law.

WORK ON AND CONTRACTS FOR PUBLIC WORKS DEFINED AND REGULATED; BOND; LIABILITY, ETC.

Act 224 of 1920, P. 406

TITLE

AN ACT relating to contracts for public works; to protect persons doing work, performing labor or furnishing material for the construction, erection, alteration or repair of public buildings, public

roads or public works of any character; requiring the State, parish, city, town, village, public board or body having the work done to exact a bond, with good and solvent surety, for the protection of itself, for the faithful performance of the contract and the payment of all persons doing work, performing labor or furnishing material therefor; providing for the manner in which the State, parish, city, village, public board or body shall proceed where there is money in its hands and a sworn account filed by any sub-contractor, or person, firm or corporation doing work, performing labor and furnishing material therefor; providing for the manner in which persons, firms and corporations doing work, performing labor and furnishing material shall proceed for the protection of their claims, for the summary trial of all cases involving claims arising thereunder, and for the recovery of attorneys fees of ten per cent where the full amount of the claim is recovered.

Contract for Public Work; Bond Required

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That when public buildings, public roads or public work of any character are about to be constructed, erected, altered or repaired under contract in excess of \$500 at the expense of the State, or any parish, city, town, village, public board or body, it shall be the duty of the official representative thereof to reduce said contract to writing, same to be signed by all parties, and to require of the contractor a bond, with good and solvent and sufficient surety, in a sum not less than fifty per cent of the contract price, for the faithful performance of the contract with the State, parish, city, town, village, public board or body, and with an additional obligation for the payment by the contractor and by all sub-contractors for all work done, labor performed, or material furnished in the construction, erection, alteration or repair of such building, road, work or improvement, and no modifications, omissions, additions in or to the terms of the said contract, in the plans or specifications or in the manner and mode of payment shall in any manner affect the obligation of the surety. Said bond shall be executed by such contractor with such surety or sureties as shall be approved by the officials representing the State, parish, city, town, village or public board, and shall be recorded with the contract in the office of the Recorder of Mortgages wherein the work is to be done on the day the said work begins and not later than thirty days thereafter.

Sworn Statement of Amount Due to be Filed

Sec. 2. Be it further enacted, etc., That any person, firm or corporation, association of persons or partnership to whom any money shall be due on account of having done any work, performed any labor on, or furnished any material in the construction, erection, alteration or repair of any such building, road, work or improvement, may file

with the said authority having the said work done, and record in the office of the Recorder of Mortgages for the parish in which the said work is being done, any time after the maturity of his claim, a sworn statement of the amount due him, and any payments made thereafter by said authority without deducting the amount of the claims so served on it, shall be at its own risk.

Time for Filing Claim

Sec. 3. Be it further enacted, etc., That any person, firm, corporation or association of persons or partnership to whom any money shall be due, on account of having done any work, performed any labor, or furnished any material in the construction, erection, alteration or repair of any such building, public road or public work or improvement shall, within forty-five days after the acceptance of said work by the State, parish, city, town, village, public board or body, or within forty-five days after the default of the contractor or sub-contractor, file with the said authority a sworn statement of the amount due, and record a sworn statement thereof with the Recorder of Mortgages of the Parish in which the work is done, or being done, provided that the said 45 days shall not begin to run until the said authorities shall record in the mortgage office of the parish in which the work was done as acceptance of the work, or notice of the default of the contractor or sub-contractor, as the case may be; provided further that nothing in this act shall be so construed as to deprive any person or claimant within the terms of this act of his right of action on the bond, which right shall accrue at any time after the maturity of his claim.

Method of Procedure

Sec. 4. Be it further enacted, etc., That if, at the expiration of said 45 days there are recorded claims filed with the said authorities and recorded in the mortgage office unpaid, the said authorities shall file a petition in the proper court where the work was done citing such claimants and the contractor, sub-contractor and surety on the bond, and the said authorities shall assert whatever claims they have against any and all of them in said petition, and require the said claimants to assert whatever claims they have against any and all of them, and all of said claims shall be tried in concursus.

Claim by State, Parish, City, etc.

Sec. 5. Be it further enacted, etc., That in the event that the State, parish, city, town, village or public bodies aforesaid shall have a claim in concursus with other claimants who have done work, performed labor or furnished material used in said work, the latter shall be paid in preference; provided that if 45 days after the default of the contractor, or 45 days after the acceptance of the work, the said authorities do not file the said proceeding, any claimant may do so.

Liability on Bond

Sec. 6. Be it further enacted, etc., That if no objections are made by any claimant to the solvency or sufficiency of the bond, the said authorities shall, ten days after the service of judicial notice on each claimant having recorded claims as aforesaid, of the said concursus proceeding, obtain from the Clerk a certificate to that effect, and the said certificate shall relieve the said authorities of any personal liability, and the Recorder of Mortgages shall cancel all claims recorded as aforesaid; if objections are made to the solvency or sufficiency of the bond, they shall be tried summarily, and if the surety is found to be not solvent, or sufficient to cover the full amount for which he is bound, or if the said authorities fail to exact bond, or fail to record same within the time prescribed by law, the said authorities shall be in default and shall be liable to the same extent as the surety would have been. The surety on the bond shall be limited to such defenses only as the principal on the bond.

Proceeding to be Tried Summarily

Sec. 7. Be it further enacted, etc., That any proceeding brought under this act shall be tried summarily, and shall be referred to a Commissioner as is now or may hereafter be provided by law, who shall report his finding to the Court at the earliest date possible.

Attorney Fees of Ten Per Cent

Sec. 8. Be it further enacted, etc., That in the event any claimant shall, whether by concursus proceeding or separate suit, recover the full amount of his recorded claim or sworn claim, the court or commissioner shall allow the claimant recovering the full amount of his claim ten per cent attorneys fees to be taxes in the judgment on the amount recovered, provided that amicable demand for payment shall first be made on the principal and surety and thirty days shall elapse thereafter without payment being made in order that the said ten per cent attorneys fees may be taxed.

Repealing Clause

Sec. 9. Be it further enacted, etc., That all laws or parts of laws inconsistent or in conflict herewith be and the same are hereby repealed, and provided that this Act shall only apply to future contracts entered into after the taking effect of this act.

CORPORATIONS AND PUBLIC UTILITIES**ASSUMPTION OF RISK; FELLOW-SERVANT, ETC.**

Act 187 of 1912, P. 333

TITLE

AN ACT in reference to defense in suite for damages for personal injuries.

Assumption of Risks Shall be no Defense in Action, etc.

Be it enacted by the General Assembly of the State of Louisiana, That assumption of risks by an employee, or the negligence of a fellow-servant shall not be a defense to an action for damages for personal injury, but may be considered by the Court in determining the measure of damages. Provided, the provisions of this Act shall apply only to public service corporations.

BLOCKING ANGLES IN FROGS AND CROSSINGS

Act 77 of 1912, P. 321

TITLE

AN ACT requiring railroads, receivers or lessees thereof to adjust, block all angles or fill all angles in frogs and crossings on its roads and in its yards, divisional and terminal stations where trains are made up, with suitable material which shall be so placed as will prevent the wedging of the feet of any person in such angles, etc.

To be Placed in Terminals, Yards, Crossings, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That every railroad corporation, receiver or other persons operating a railroad or part of railroad, other than a logging or plantation road, within this State, shall adjust, fill or block all angles in frogs and crossings on its roads and in its yards, divisional and terminal stations where trains are made up, with suitable material, which shall be so placed and be of such design as will prevent the wedging of the feet of employees and other persons in such angles.

Refusal to Comply; Penalty

Sec. 2. Be it further enacted, etc., Whoever owning, operating or controlling a railroad fails to comply with the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction before any court of competent jurisdiction, shall be fined in the sum of not less than fifty dollars nor more than one hundred dollars.

When This Act Goes in Effect

Sec. 3. Be it further enacted, etc., This Act shall take effect and be in force from and after January 1, 1913.

Repealing Clause

Sec. 4. Be it further enacted, etc., That all laws or parts of laws in conflict herewith be and the same are hereby repealed on and after January 1, 1913.

Rule of Construction of This Act

Sec. 5. Be it further enacted, etc., That the present Act, and every clause, article, sentence and word comprised in the same, shall be taken and accepted according to the plain words, sentences, articles and clauses therein contained, and shall not be interpreted nor expounded by color of any pretense or clause, or by any subtle argument or invention or reason, to the hinderance, disturbance or derogation of this Act or any part thereof.

BONDS OF EMPLOYEES OF PUBLIC UTILITY CORPORATIONS

Act 222 of 1912, P. 507

TITLE

AN ACT making it unlawful for Public Utilities Corporations to require their employees, when bond is required by such corporations of any of their employees, for the faithful discharge of their duties, to make such bond by giving any Bonding Company designated or named by such corporation as surety on such bond, etc.

Bonding Companies Cannot be Named by Employers

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That whenever public utilities corporations in this State shall require of their employees or any employee in their or any such corporation's employ, bond for his or her fidelity and honesty, it shall be and it is hereby declared unlawful for such corporation or the officers or the managers thereof to require such employee to make such bond by giving as surety any certain bonding company designated or named by such corporations, its officers or managers; provided that any bonding company authorized to do business under the laws of the State of Louisiana that may be selected by such employee shall be accepted as surety on such bond or bonds when such bonding company is offered as such surety, provided that when satisfactory to such employers, bond may be made in such cases by the employee giving private surety; provided that this Act shall not apply to bonds whereon the premium is paid by the employer and is not charged to the employee in any manner.

Penalty

Sec. 2. Be it further enacted, etc., That any one violating any of the provisions of Section 1 of this Act shall upon conviction thereof before a court of competent jurisdiction be subject to a fine not exceeding \$500.00 or imprisonment not exceeding six months.

When in Effect

Sec. 3. Be it further enacted, etc., That this Act shall take effect from and after its promulgation.

INSTRUCTION FOR MOTORMEN AND CONDUCTORS

Act 150 of 1914, P. 265

TITLE

AN ACT requiring motormen and conductors in the State of Louisiana to have at least ten days' instruction, which shall entitle them to have a certificate of fitness, before being allowed to operate such electric cars, etc.

Ten Days' Instruction Required

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That no person shall act as a motorman or conductor on any electric street railway in the State of Louisiana unless he shall have first received at least ten days' instruction under a competent instructor or instructor employed by the company in whose service he expects to enter.

Certificate of Fitness

Sec. 2. Be it further enacted, etc., That after receiving such instruction and found qualified the last instructor shall issue to such person a certificate of fitness showing his competency either as a motorman or conductor.

Act Not Applicable to Experienced Men

Sec. 3. Be it further enacted, etc., That this Act shall not apply to bona fide experienced qualified motormen or conductors possessing written evidence of their qualifications and length of service from their last employers, which qualifications must not be less than set out in Section 1, hereof.

Who Are Competent Instructors

Sec. 4. Be it further enacted, etc., That competent instructors under this Act shall mean motormen or conductors who have been for at least one year in the service of the company that the applicants applies to.

Violations; Penalties, etc.

Sec. 5. Be it further enacted, etc., That any persons violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars or more than one hundred dollars or be imprisoned not more than thirty days or both at the discretion of the Court. Provided, that in cities of less than 25,000 the experience and qualifications of conductors and motormen shall not be less than five days. Providing, that the provisions of this Act shall not apply during strikes.

**KNOTTED ROPES AT BRIDGES TO WARN TRAIN
EMPLOYEES, ETC.**

Act 39 of 1882, P. 51

TITLE

AN ACT to protect and prevent accidents on trains and cars of railroad companies throughout the State, etc.

Ropes to be Used and How Placed

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That all railroads now operating in the State of Louisiana, or which may hereafter operate in the State, shall, at a point not less than one hundred and fifty feet from either approach of their bridges, cause to be hung across the entire width of their track light ropes, properly knotted and hanging so low as to absolutely touch the head or body of any train hand in ample time to notify him of his near approach to the bridge, and enable him to take the necessary precautionary means to avoid the possibility of injury.

Penalty for Non-Compliance

Sec. 2. Be it further enacted, etc., That in the event any railroad company should fail to comply with the provisions and requirements of this Act, that the Governor, shall, through the Attorney General of the State, cause such company to be enjoined from operating or running any trains in the State until said provisions and requirements are complied with.

NOTE.—A brakeman assumes ordinary risks, not risks from the railroad company's failing to erect "tell-tales" or "whip-ropes" at a distance of 150 feet from the approaches of an overhead bridge. The various defenses urged will not relieve the railroad company from compliances with the statute. *Halley vs. Texas & Pacific Ry. Co.*, 113 L. 533.

RAILROADS TO MAINTAIN REPAIR SHOPS IN STATE

Act 297 of 1908, P. 440

TITLE

AN ACT requiring railroads operating in the State of Louisiana to maintain repair shops in the State for the repair, renovating and rebuilding of all defective or broken cars, coaches, locomotives or other equipment, and prohibiting railroads from sending or moving defective equipment out of the State for repairs, etc.

When Repairs Must be Made in the State

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That all railway or railroad corporations operating in the State of Louisiana, and having their repair shops in the State, as a condition precedent to exercising the right of eminent domain under the laws of the State of Louisiana, the railway or railroad corporations so operating within the State of Louisiana, shall and are hereby required to repair, renovate or rebuild in the State of Louisiana any and all defective or broken cars, coaches, locomotives or other equipment, owned or leased by said corporations in the State of Louisiana, when

such rolling stock is within the State of Louisiana; provided such railway shall have or be under obligations to have proper facilities in the State to do such work, and provided this Act shall not be so construed as to require any railway company to violate the safety appliance law of Congress, and provided further that no railway company shall be required to haul such disabled equipment a greater distance for repairs at a point in Louisiana than would be necessary to reach repair shops in another State.

Not Permitted to Send Outside of State, etc.

Sec. 2. Be it further enacted, etc., That all railroad corporations operating in the State of Louisiana, and having their repair shops within the State, shall be prohibited from sending or removing any of their cars, coaches, locomotives or other equipment out of the State of Louisiana to be repaired, renovated or rebuilt, when the same is in a defective or broken down condition and within the State.

Penalties for Violation

Sec. 3. Be it further enacted, etc., That any corporation, lessee, receiver, superintendent or agent, who shall violate any of the provisions of this Act, shall, after conviction by a court of competent jurisdiction, be liable to a fine of not less than fifty dollars, or more than two hundred dollars, or be imprisoned for not more than three months, or both at the discretion of the Court.

SAND BOXES TO BE PLACED ON STREET CARS

Act 48 of 1920, P. 54

TITLE

AN ACT to provide in Cities of population of one hundred thousand (100,000) or more in the State of Louisiana, for the equipment of all street railway cars, run by motor and controlled by electric power with sand-boxes in front of the wheels coupled to and controlled by motor: To prescribe penalties for all violations of this act; to put this act into effect ninety days after its promulgation, and to repeal all laws or parts of laws contrary to or inconsistent with the provisions of this act.

Street Railway Cars to be Equipped with Sand Boxes

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That, all street railways companies operating street railways in the State of Louisiana in cities of population of one hundred thousand (100,000) or more, shall within ninety days after the promulgation of this act equip all street railway cars running by motor and controlled by electric power with sand boxes in front of the wheels coupled to and controlled by motor. Said boxes to be provided with valves from which the sand therein may be poured upon the rails immediately in front of the wheels of said car as the brakes are put on by the motorman for the purpose of stopping said car as necessity may require.

Penalty for Violation; When in Effect

Sec. 2. Be it further enacted, etc., That all officers and directors of the railway companies that shall refuse or neglect to comply with the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Dollars (\$100.00) or not more than Five Hundred Dollars (\$500.00), or be imprisoned for not less than thirty or more than ninety days at the discretion of the Court.

Repealing Clause

Sec. 3. Be it further enacted, etc., That all laws or parts of laws contrary to or inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect and be in full force ninety days after its promulgation.

SEATS FOR CONDUCTORS AND MOTORMEN

Act 20 of 1912, P. 26

TITLE

AN ACT to provide for seats on each end of street cars, etc.

Seats Must be Provided

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That, from and after the passage of this Act, it is made the duty of all persons, partnerships and corporations engaged in the operation of street railroads to provide the cars operated by them with good substantial seats on each platform of every car and to maintain them in good order for the use of the operator and conductor on the car and to permit and allow the operator and conductor of the car to use the seats so provided and seat and rest themselves thereon when in service on the cars on which they are employed while the cars are passing over portions of the road bed out of the business district of any city, town or village in this State.

Any persons, partnership or corporation found guilty of violating any of the provisions of this act shall upon conviction be fined not less than Fifty Dollars nor more than Five Hundred Dollars or be imprisoned in the Parish Jail not less than three months nor more than one year.

Repealing Clause

Sec. 2. Be it further enacted, etc., That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

VESTIBULES FOR ELECTRIC CARS

Act 16 of 1914, P. 40

TITLE

AN ACT prohibiting the operation of Electric Street Railway cars in this State, during the period beginning September 1st, and ending

May 1st, of each year, except said cars are equipped with solid vestibules for the protection of employees and the public, etc.

Unlawful to Operate Cars Without Vestibules, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That it shall be unlawful for any corporation, person or receiver operating a line of electric street railways in the State of Louisiana, to require or permit the operation upon its lines of any electric car during the period beginning September 1st, and ending May 1st, of each year, unless each end of such car be provided with solid vestibule which shall fully protect the motormen, conductor and such passengers as may be compelled to stand on the platform.

Violation and Penalty

Sec. 2. Be it further enacted, etc., That the officers and manager of any corporation or any person or receiver operating a line of electric street railways in the State of Louisiana, who shall in any manner violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and on conviction thereof before any court of competent jurisdiction, shall be fined not more than three hundred dollars or imprisoned for not more than six months or both at the discretion of the Court having jurisdiction, provided that each day upon which said Act shall be violated shall constitute a separate offense and shall be punished as such.

Repealing Clause

Sec. 3. Be it further enacted, etc., That this Act shall take effect on and after September 1st, 1914, and that all laws or parts of laws in conflict herewith are hereby repealed.

HEALTH AND SAFETY LAWS REGARDING WORKERS**CONSTRUCTION OF BUILDINGS, ETC., AND PROTECTION OF PERSONS****Act 264 of 1908, P. 384****TITLE**

AN ACT providing for the protection and safety of persons in and about construction, repairing, alteration or removal of buildings, bridges, viaducts and other structures and to provide for the enforcement thereof, in cities of thirty thousand or more population, etc.

Requirements of Contractors

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That for the safety of persons in and about the construction, repairing, alteration or removal of buildings, bridges, viaducts or other structures, all scaffolds, hoists, cranes, stays, ladders, supports or other mechanical contrivances erected or constructed by any person, firm or corporation in this State for use in the erection, repairing, alteration or removing or painting of any house, building, bridge, viaduct or other structure in cities of more than thirty thousand inhabitants, shall be erected and constructed, placed and operated so as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thereon, or passing under or by the same, and in such manner as to prevent the falling of any material that may be used or deposited thereon.

How Scaffolding Must Be Erected

Sec. 2. Be it further enacted, etc., That in the construction or repairing, alteration or removal of any structures, that scaffolding or staging, swung or suspended from any overhead support, more than twenty feet from the ground or floor, shall have, where practicable, a safety rail properly bolted, secured and braced and rising at least thirty-four (34) inches above the floor or main portion of such scaffolding or staging and extending along the entire length outside and ends thereof, and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

Support for Inclosing Walls

Sec. 3. Be it further enacted, etc., That in any house, building or structure in process of erection or construction, where the distance between the inclosing walls is more than twenty-four feet in the clear, there shall be built, kept and maintained proper intermediate supports for the joists, which supports shall be either brick walls or iron or steel columns, beams, trusses or girders of wood, or other material of sufficient strength, and the floor in all such houses, buildings or struc-

tures in process of erection or construction shall be designed, and constructed in such manner as to be capable of bearing in all their parts in addition to the weight of the floor construction, partitions and permanent fixtures and mechanisms that may be set upon the same, a live load of twenty-five (25) pounds for every square foot of surface in such floor, and it is hereby made the duty of every owner, builder, lessee, contractor or sub-contractor of such house, building or construction, or the superintendent or agent of either, to see that all the provisions of this section are complied with.

Placard Showing Load Per Square Foot

Sec. 4. Be it further enacted, etc., That it shall be the duty of every owner of every house, building or structure (except buildings exclusively for residential purpose,) now under construction or hereafter to be constructed, to affix and display conspicuously on each floor of such building during construction, a placard stating the load per square foot of the floor surface, which may with safety be applied to that particular floor during such construction, or if the strength of different parts of the floor varies, then there shall be such placards for each varying part of such floor.

It shall be unlawful to load any such floors or any part thereof to a greater extent than the load indicated on such placard and all such placards shall be verified and approved by the City Engineer or Inspector of Buildings or other proper authority of the city charged with the enforcement of building laws.

Inspector Must Notify Builder of Faulty Construction

Sec. 5. Be it further enacted, etc., That whenever it shall come to the notice of the Building Inspector in any city in this State of more than thirty thousand inhabitants charged with the duty of enforcing the buildings laws, that the scaffolding, stays, hangers, blocks, pulleys, sling braces, ladders, irons, or ropes of any swinging or stationary scaffolding platform or other similar device, used in the construction, repairing, alteration, removing, cleaning or painting of buildings, bridges or viaducts within said cities are unsafe or liable to prove dangerous to the life or limb of any person, such local authorities shall immediately cause an inspection to be made of such scaffolding, platform or device or the slings, hangers, blocks, pulleys, stays, braces, ladders, iron or other parts connected therewith, and if after an examination, such scaffolding, platform or other device or any parts thereof is found to be dangerous to the life and limb of any person, the said local authorities shall at once notify the person responsible for the maintenance of such fact and warn him against the use, maintenance of operation thereof and prohibit the use thereof and require the same to be altered and reconstructed, so as to avoid such danger.

Such notice may be served personally upon the one responsible for its erection or by conspicuously affixing it to the scaffolding, platform

or other device, or the part thereof declared to be unsafe, after such notice has been served or affixed the person responsible therefor shall cease using and immediately remove such scaffolding, platform or other device or part thereof or alter or strengthen it in such manner as to render it safe. The officer or such local authority whose duty it is to examine or test any scaffolding, platform or similar device or part thereof required to be erected and maintained, by this section, shall have free access at all times during reasonable hours to any buildings or structures or premises containing such scaffolding, platform or other similar device or parts thereof or where they may be in use. All swinging or stationary scaffolding, platform or other similar devices shall be so constructed as to bear four times the maximum weight required to be dependent thereon or placed thereon when in use and such swinging scaffolding, platform or other similar devices shall not be so loaded or crowded as to render them unsafe or dangerous.

Protection for Workmen on Standpipes, Steeples, etc.

Sec. 6. Be it further enacted, etc., That any person, firm or corporation in this State, hiring, employing or directing another to perform labor of any kind in erecting, repairing, altering or painting any water pipe, stand pipe, smoke stack, chimney, tower, steeple, pole, staff, dome, or cupola with the use of any scaffold, staging, swing hammock, support, temporary platform, or other similar contrivance, for such labor, shall keep and maintain at all times while such labor is being performed and such mechanical device, in use or operation a safe and proper scaffold, stay, support, or other suitable device, not less than sixteen feet below such working scaffold, staging, swaying hammock, support or temporary platform when such work is being performed at a height of thirty-two (32) feet or more, for the purpose of protecting the person or persons performing such labor from falling in case of any accident to such working scaffold, staging, swaying hammock support or temporary platform.

Flooring as Work Progresses

Sec. 7. Be it further enacted, etc., That all contractors and owners when constructing buildings where the plans and specifications require the floors to be arched between the beams thereof or where the floors or filling in between the floors are fireproof material or brick work shall complete the flooring or filling it as the building progresses to not less than within three tiers or beams below and on which the iron works is being erected. If the plans and specifications of such building do not require the filling in between the beams of the floors with brick or fireproof material, said contractor or owner shall lay in the underflooring thereof or a safe temporary floor on each story as the building progresses to not less than within two stories of the floor below the one to which said building has been erected and where double floors are not to be used, such owners or contractors shall keep planks over the floor to two stories of the floor below the story where the

work is being performed, and if the floor beams are not iron or steel, the contractor for the iron or steel work in the course of construction or the owner of such building shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work, and for the raising and lowering of material to be used in the construction of such building.

Elevator Shaft; Foundation for Engine

Sec. 8. Be it further enacted, etc., That if, elevating machines or hoisting apparatus are used within a building in the course of construction for the purpose of lifting material, the contractor or owner shall cause the shafts or openings in each floor to be enclosed or fenced in on all sides by substantial barrier or railing at least four feet in height provided any hoisting machine or engine used in such building construction shall, where practicable, be set up or placed on the ground and where it is necessary to place such hoisting machines or engines on the same floor above the ground floor, such machines or engines must be properly and securely supported with a foundation capable of sustaining twice the weight of such machine or engine, and if the building in course of construction is five stories or more in height, no material needed for such construction, shall be hoisted or lifted over any public street or alley, unless, such street or alley shall be barricaded from use by the public or so covered as to prevent injury to pedestrians.

Elevator Signals

Sec. 9. Be it further enacted, etc., That if elevating machines or hoisting apparatus, operated or controlled by other than hand power, be used in the construction, alteration or removal of any building or other structures, a complete adequate system of communication by means of signals shall be provided and maintained by the owner, contractor or sub-contractor during the use and operation of such elevating machines or hoisting apparatus in order that prompt and perfect communication may be had at all times between the operator of the engine or motive power of such elevating machine and hoisting apparatus and the employees or persons engaged thereon or in using or operating the same, and the officers of any city charged with the enforcement of building laws are hereby charged with the enforcement of this provision of this Act, and in case of failure so to do, the police authorities shall pursuant to the terms of this Act enforce the provisions thereof.

Fines and Penalties

Sec. 10. Be it further enacted, etc., That any contractor, sub-contractor, foreman or other person having charge of the erection, construction, repairing, alteration, removal or painting of any building, viaduct, bridge or other construction within the provisions of this Act, violating any of the provisions hereof, upon conviction thereof shall be subject to a fine of not less than twenty-five (\$25.00) dollars, or

more than five hundred (\$500.00) dollars, or imprisonment for not less than three (3) months or more than two (2) years, or both fine and imprisonment in the discretion of the Court.

Repealing Clause

Sec. 11. Be it further enacted, etc., That all laws, or parts of laws in conflict with this Act be and the same are hereby repealed.

DOORS TO PUBLIC BUILDINGS AND FACTORIES REGULATED

Act 73 of 1908, P. 88

TITLE

AN ACT to prescribe the way in which doors to public buildings and factories shall be hung, to determine what buildings to which this Act shall apply, etc.

Doors Must Swing Out or on Double Joint Hinges, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That all doors for the ingress or egress to public school houses, churches, court houses, assembly rooms, halls, theatres, factories with more than twenty (20) employees, and of all other buildings of public resort whatever, where the people are wont to assemble, shall be so swung as to open outwardly from the audience rooms, class rooms, halls or workshops; but such doors may be swung on double jointed hinges, so as to work with equal ease outwardly and inwardly.

Provisions Affecting Certain Buildings, etc.

Sec. 2. Be it further enacted, etc., That the provisions of this Act shall apply to all buildings and houses within its terms, erected after its passage, from the date it becomes in force. As to all such buildings and houses heretofore erected, said provisions shall be applied from and after the expiration of six (6) months from the date when this Act became operative.

Violations and Penalties

Sec. 3. Be it further enacted, etc., That the President of the Parish School Board, the deacons, the stewards or the manager of any church, the president of the parish police jury, or the owner of any hall, theatre or factory, failing to comply with the provisions of this Act, or to have same complied with as relates to any building or buildings under the control of the bodies over which they preside or of which they are a member, or to such building or buildings owned by them, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten (\$10.00) dollars, nor more than one hundred (\$100.00) dollars, and upon failure to pay such fine and cost shall be imprisoned in the parish jail for a period not exceeding ninety (90) days.

Certain Conditional Exemptions

Sec. 4. Be it further enacted, etc., Provided, that this Act shall not apply to factories, cotton seed oil mills and other like establishments where the doors for the purpose of prevention against fire, are so arranged as to slide back and forth on rollers.

Repealing Clause

Sec. 5. Be it further enacted, etc., That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

FIRE ESCAPES TO BE ERECTED AND MAINTAINED

Act 276 of 1918, P. 525

TITLE

AN ACT for the safety of persons from fire or panic in certain buildings, by providing fire escapes; by vesting jurisdiction for the enforcement of this Act in the State Labor Commissioner under the supervision of the State Fire Marshal; and providing penalties for any violation of this Act; and repealing all laws or parts of laws in conflict herewith.

Fire Escapes on Certain Buildings, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That every building already erected, or that may hereafter be erected, more than three (3) stories in height, occupied and used as a hotel, apartment hotel or lodging house, and every boarding house having more than fifteen sleeping rooms above the basement, every factory, mill, manufactory or workshop, hospital, theatre, asylum or institution for the care or treatment of individuals, buildings three stories or over in height used or occupied as a store or workroom, buildings in whole or in part occupied or used as a school or place of instruction or assembly, office buildings four stories or more in height, shall be provided with such good and sufficient fire escapes, stairways, suitable enclosures and other means that will afford safe means of egress in case of fire.

(a) Fire escapes on the outside of buildings shall consist of open iron balconies and stairways.

(b) The stairway shall be placed at an angle of not more than sixty (60) degrees, with steps not less than six (6) inches in width and twenty (20) inches in length, and with a rise of not more than fifteen (15) inches.

(c) The balcony on the top floor, except in case of front fire escapes, shall be provided with a goose neck ladder leading from said balcony to and above the roof.

(d) The balconies shall not be less than three (3) feet in width, and placed at each story above the ground floor.

(e) There shall be a landing not less than twenty-four (24) inches square at the head and foot of each stairway.

(f) The stairway opening on each platform shall be of sufficient size to provide clear headway.

(g) The platform or balconies and stairs shall be constructed and erected to safely sustain in all parts a safe load of not less than seventy (70) pounds per square foot.

(h) The outside rail shall extend around the entire exposed side of the platform and shall be secured to the platform and walls of the building in a rigid and secure manner.

Duty of Commissioner of Labor, etc.

Sec. 2. Be it further enacted, etc., That it shall be the duty of the State Labor Commissioner to direct the installation of such fire escapes, except in such cases as he may deem such fire escapes unnecessary, in consequence of adequate provisions having been already made for safety in event of fire or panic; and in such cases of exemption, the said Labor Commissioner shall give the owner, lessee or occupant of said building a certificate to that effect, and his reason therefor. And such fire escapes as are provided for in this section shall be constructed according to specifications to be issued or approved by the State Fire Marshal.

Internal Escapes, etc.

Sec. 3. Be it further enacted, etc., That where any of the aforementioned buildings are so constructed that a fire escape cannot be erected upon the same without trespassing upon the property of the owner or owners of adjoining lands or buildings, and where permission to erect fire escapes has been refused by said owners of adjoining lands or buildings, it shall be the duty of the owner or owners of any of the aforementioned buildings, constructed as aforesaid, to erect an internal fireproof means of egress, the same to be located and erected under the direction of the State Labor Commissioner. Should the construction of any of the aforesaid buildings be such as will neither permit of an external iron fire escape nor an internal fire-proof escape, it is hereby enjoined upon the State Labor Commissioner to notify, in writing, the owner or owners of any building, so constructed, to discontinue the occupancy of the whole or of a part of said building for any of the purposes which make said building amenable to the fire escape provisions of this Act.

Designs Approved by State Fire Marshal

Sec. 4. Be it further enacted, etc., That to better secure compliance with the provisions of the foregoing sections of this Act, the owner or owners of any building now used for other purposes than aforesaid uses, or any building to be erected for any of the aforesaid purposes, shall before adapting or erecting such building submit to the State Fire Marshal architectural designs and specifications of such building, showing that compliance with the requirements of the foregoing sections is provided therein and such building shall not be adapted or erected without the approval of the State Fire Marshal.

Penalties and Liability of Owners

Sec. 5. Be it further enacted, etc., That the owner or owners of any of the buildings mentioned in the foregoing provisions of this Act, who shall wilfully fail or refuse to comply with the provisions of this Act, or who shall wilfully fail or refuse to observe the orders for the enforcement of this Act, issued to said owner or owners by the State Fire Marshal or the State Labor Commissioner shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment of not less than thirty days nor more than twelve months, or either or both at the discretion of the Court. And in case of fire occurring in any of the said buildings, in the absence of such fire escapes, as provided for in this Act, the owner or owners aforesaid shall be liable for damages, in case of death or personal injury, the result of fire or panic in any of said buildings; and such action for damages may be maintained by any person now authorized by law to sue, as in other cases of loss by death or injury.

NOTE.—An Act providing that owners of certain buildings failing to provide fire escapes or to observe orders of state officials, shall be liable for the death resulting from fire does not violate the provision concerning due process. Dotson vs. Louisiana Central Lumber Company, 144 La. 78, 80 So. 205.

HEALTH OF EMPLOYEES IN MANUFACTORIES

Act 123 of 1890, P. 163

TITLE

AN ACT to protect the health of operatives and employees in manufactories, workshops, laboratories, and other places, in which substances, materials or compounds are used, manufactured, compounded, prepared or handled, which are poisonous or detrimental to health; and to authorize the Board of Health to enact regulations for the protection of the health of employees, etc.

Needful Rules and Regulations May be Issued

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That the Board of Health of the State of Louisiana be and the same is hereby authorized to enact from time to time all needful rules and regulations for the better protection of the health of operatives and employees, working in manufactories, workshops, laboratories, and other places in which substances, materials or compounds, poisonous in their nature, or otherwise injurious to the health of said operatives or employees, are used, manufactured, compounded, prepared or handled.

Rules and Regulations Must be Respected and Obeyed

Sec. 2. Be it further enacted, etc., That said rules and regulations when so adopted by the Board of Health, shall be observed and complied with by the owners and proprietors of said manufactories, workshops, laboratories, or other places described in the first section of this

Act, as well as by all other persons, superintendents, managers, foremen, lessees or sub-lessees in charge of such establishments, within twenty (20) days after being served a notice to comply therewith.

Penalty

Sec. 3. Be it further enacted, etc., That any person failing to comply with the provisions of this Act, or the rules and regulations thereunder, or violating the provisions thereof, shall be fined twenty-five (\$25.00) dollars or be imprisoned in the parish jail not more than ten days, for each and every offense.

INNS AND HOTELS; SANITARY CONDITIONS DEFINED, ETC.

Act 47 of 1921, P. 62, Extra Session

TITLE

AN ACT to enforce better sanitary conditions in Inns and Hotels, with respect to Linens, Beds, Toilets, Screening of Kitchens and Dining-Rooms, etc.

Inns and Hotels to Furnish Clean Linens, etc.

SECTION 1. Be it enacted by the Legislature of Louisiana, That it shall be the duty of every hotel or innkeeper in this State to furnish clean and fresh bed linens, unused by any other person or guest since the last laundering of such bed linens, on all beds assigned to the use of any guest or patron of such inn or hotel, and any proprietor, lessee, manager or agent of an inn or hotel, or clerk in same, who shall fail or refuse to comply with the foregoing provisions and requirements, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars nor more than twenty-five dollars, or be imprisoned for a term not exceeding ten days, or suffer both such fine and imprisonment.

All Openings to be Screened

Sec. 2. That it shall be the duty of every hotel or innkeeper in this State to properly screen with wire cloth or gauze mesh not to be less than sixteen to the inch, the doors and windows of the kitchen and dining-room, and all openings therein, of such inn or hotel, and any proprietor, lessee, manager or agent of an inn or hotel, or clerk in same, who shall fail or refuse to comply with the foregoing provisions and requirements of this Act, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars nor more than twenty-five dollars.

Sanitary Conditions of Toilets, etc.

Sec. 3. That it shall be the duty of every keeper, manager or person in charge of the conduct of any hotel or inn in this State to keep the closets, toilet rooms or privies, used in connection with such inn or hotel and provided for the use of guests at, or patrons of such inn or hotel, in a clean, sanitary condition, and any keeper, manager,

agent or person in charge of the operation and conduct of any inn or hotel who shall permit the closets, toilet-stools or privies provided for the use of guests or patrons to become foul or filthy, or the vault thereof to become full or clogged with foecal matter, or who shall fail to keep the stools and seats and floors of such closets and privies clean and washed regularly and when necessary, and in no case less than once a week, shall be guilty of a misdemeanor, and on conviction, shall be fined not less than five dollars.

Copy of This Act to be Conspicuously Posted

Sec. 4. That a copy of this Act shall be posted and kept in a conspicuous place in the general office or lobby, and closet, toilet or privy provided for the use of guests or patrons of every inn and hotel and any failure or refusal to post and keep posted a copy of this Act in every such office or lobby, general closet, toilet or privy, shall be a misdemeanor, and shall be punishable by a fine of not less than five dollars, nor more than ten dollars, provided that this Act shall not apply to what are known as private boarding houses.

Repealing Clause

Sec. 5. All laws or parts of laws in conflict herewith, be and the same are hereby repealed.

REGULATING THE USE OF LINOTYPE AND OTHER TYPE-CASTING MACHINES

Act 237 of 1912, P. 534

TITLE

AN ACT to promote the health and comfort of employees of newspaper and printing concerns in the State of Louisiana, operating three or more linotype or type-casting machines, etc.

Exhaust Fans Must be Used Where Linotype is Used

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That hereafter, all newspaper and printing concerns operating in the State of Louisiana, using three or more linotype or other type-casting machines, shall be required to install in the room or rooms in which said machines are operated, an exhaust fan or other device of sufficient capacity to keep pure air circulating in said room, and to expel the poisonous metal fumes arising from said linotype machines.

Vent Pipes for Each Machine

Sec. 2. Be it further enacted, etc., That all newspaper and printing concerns operating in the State of Louisiana, using three or more linotype or other type machines shall be required to install vent pipes on each machine running from the metal pot to a flue or other aperture leading to the outside of the building.

Penalty for Violation

Sec. 3. Be it further enacted, etc., That the penalty for the viola-

tion of the provisions of this Act shall be a fine of not less than \$25.00, nor more than \$100.00 or imprisonment not to exceed sixty days or both, in the discretion of the Court for each offense; and every fifteen days that elapse without complying with the Act will be deemed a separate offense.

RENOVATION OF MATTRESSES, ETC., REGULATED

Act 162 of 1918, P. 315

TITLE

AN ACT to regulate the making, remaking or renovating of mattresses, quilts, pillows and bed comforters; regulating the sale thereof; regulating sterilization and label of same, etc.

Use of Secondhand Cotton, etc., Prohibited

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That no person, firm or corporation shall use, either in whole or in part, in the making of any mattresses, quilts or bed comforters any secondhand cotton, cotton felt, hair, wool, shoddy, feathers, excelsior or moss or any other soft material, which has been made secondhand by use about the person; nor shall any person, firm or corporation sell or offer to expose for sale, or be in the possession of with intent to sell, or deliver any mattress, quilt, pillows or bed comforter in which has been used in the making, either in whole or in part, any secondhand cotton, cotton felt, hair, wool, shoddy, feathers, excelsior or moss or any other soft material which has been made secondhand by previous use in or about the person.

Labels Must Disclose Contents, etc.

Sec. 2. Be it further enacted, etc., No person, firm or corporation shall sell or offer or expose for sale, or be in the possession of with the intent to sell, or deliver any mattress, quilt, pillow or bed comforter, which has not plainly written or printed thereon upon a cloth or permanent tag, securely fastened to the outside covering thereof, a statement in the English language setting forth the kind of material used for the filling and the proportion of each kind of material, if more than one kind of material is used, together with the name of the manufacturer or vendor.

Renovating Mattresses, etc., Defined

Sec. 3. Be it further enacted, etc., Nothing herein shall prohibit any person, firm or corporation from remaking or renovating, or employing others to remake or renovate for him or them any mattress, quilt, pillows, or bed comforter for his or their own use, but all material used for filling in remaking or renovating of any mattress, quilt, pillows or bed comforters together with the covering thereof, shall be first sterilized and all such remade or renovated mattresses, quilts, pillows or bed comforters shall have plainly written or printed thereupon a cloth or permanent tag securely sewed on the outside

covering thereof, a statement in the English language setting forth that the same has been renovated or remade and that the contents and the covering have been sterilized, together with the name and address of the person, firm or corporation by whom said sterilization, remaking or renovating has been performed, that said sterilization cannot be done in any place where new mattresses, quilts, pillows and comforters are manufactured.

Penalties Imposed

Sec. 4. Be it further enacted, etc., That any person, firm or corporation, who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined for each offense in the sum of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars or to imprisonment in the parish prison for a period of not more than three (3) months or both at the discretion of the Court.

Repealing Clause

Sec. 5. Be it further enacted, etc., That all laws or parts of laws heretofore passed inconsistent with or in conflict with the provisions of this Act be and are hereby repealed, and that this Act shall take effect from and after its promulgation.

SAFEGUARDING MACHINERY; DEFECTIVE MACHINERY, ETC.

Act 146 of 1916, P. 365

TITLE

AN ACT making it a misdemeanor for any concern or employer failing to provide proper safeguards around machinery or for using or permitting to be used defective machinery in any factory, etc.

Offense to Use Machinery not Safeguarded or Defective, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, Any corporation, company, concern or other employer or any officer of any corporation, company, concern or other employer who shall knowingly fail to provide proper safeguards on machinery or who shall knowingly permit any defective machinery to remain in any factory or other place where working men are employed shall be guilty of a misdemeanor and shall be punished by a fine as provided in Section 2.

Penalty by Fine

Sec. 2. Be it further enacted, etc., That any violator of this Act shall be punished by a fine not exceeding five hundred (\$500.00) dollars and not less than ten (\$10.00) dollars.

Repealing Clause

Sec. 3. Be it further enacted, etc., That all laws and parts of laws contrary to or in conflict with the above provisions, be, and the same are hereby repealed.

STATE BUILDING CODE**Act 164 of 1916, P. 389****TITLE**

AN ACT to establish a code of minimum requirements to govern the construction, alteration, addition, repairs and equipment of buildings and installation and equipment of moving picture machines and buildings containing them, and to provide for safety appliances for buildings used for hotels, boarding houses, factories, mill, manufactory or workshop, hospitals, theatres, asylums, or institutions for the care or treatment of individuals, in all incorporated villages, towns and cities in the State of Louisiana; to provide for the punishment of violations of the provisions of this Act and to fix the penalties for such violations and repealing all laws in conflict therewith.

Code of Minimum Requirements Governing Construction of Buildings, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That the following code of minimum requirements be and the same is hereby established to govern the construction, alteration, addition, repairs and equipment of buildings, in all incorporated villages, towns and cities in the State of Louisiana, provided that the governing bodies of such incorporated villages, towns, and cities in the State of Louisiana shall have the right to define the fire limits to which this Act shall apply, fixing penalties for the violation thereof and repealing all laws or parts of laws in conflict therewith.

Materials Not to be Used

Sec. 2. Be it further enacted, etc., That no person or persons shall erect or use in or on any building any tile, terra cotta, hollow cement block, brick-on-edge or metal chimney.

Chimneys; How Made

Sec. 3. Be it further enacted, etc., That no person or persons shall erect or maintain or have in use any chimney, smokestack or other structure for the escape of smoke, heat or gases in such condition as to endanger property.

Chimneys to be Lined, etc.

Sec. 4. Be it further enacted, etc., That all chimneys hereafter constructed shall be lined on the inside with well burnt clay or terra cotta pipe.

Hearths; How Made

Sec. 5. Be it further enacted, etc., That the firebacks and hearths of all fire places shall hereafter be either of solid brick or concrete, not less than eight inches (8 in.) in thickness, or of stone, not less than twelve inches (12 in.) in thickness.

Material and Construction of Chimneys

Sec. 6. Be it further enacted, etc., That all chimneys, except as herein provided, shall hereafter be built of brick from the ground. Each flue shall be enclosed on all sides by not less than four (4) inches of solid brickwork, except that the withes (of brickwork), between the lined flues on the inside of the chimney may be four (4) inches in thickness. All chimneys shall extend at least three (3) feet above a flat roof and at least two (2) feet above ridge or peak roof of such building. No chimney shall be corbeled out more than eight (8) inches from the wall, and the corbeled shall consist of at least five (5) courses of brick.

Wood Beams or Joists; How Made

Sec. 7. Be it further enacted, etc., That all wood beams or joists shall be trimmed away from all flues and chimneys, whether the same be for smoke, air or any other flue or chimney. No trimmer beam shall be less than two (2) inches from the outside of a chimney breast, and the header beam shall not be less than two (2) inches from the outside face of the brick or stone work of the same. The header beam, carrying the tail beams of a floor and supporting the trimmer arch in front of a fireplace shall not be less than twenty (20) inches from the chimney breast.

Boilers; How Supported, etc.

Sec. 8. Be it further enacted, etc., That no horizontal boilers shall be supported on beams or floor construction made of wood or other combustible material, and unless of marine type shall be encased on the top and side in brick setting.

Vertical Boilers

Sec. 9. Be it further enacted, etc., That vertical boilers may be supported by beams or floor construction of wood or other material, but in such case the floor shall be protected by a covering of brick laid in cement mortar, and of concrete not less than four (4) inches in thickness. Such covering shall be constructed upon a continuous sheet metal plate not less than three-sixteenths (3-16) of an inch, having all joints substantially riveted and the edges turned up four (4) inches on all sides. This floor covering shall extend under the whole of the fire box and ash pit of the boiler and outwardly not less than two (2) feet on all sides.

Smokestacks; Clearance, etc.

Sec. 10. Be it further enacted, etc., That all smokestacks of pipes shall have a clearance from any combustible material at all points of not less than one-half ($\frac{1}{2}$) of the diameter of the stack, but never less than eight (8) inches, and where passing through the roof be guarded by a galvanized iron ventilating thimble extending from the under side of the ceiling or roof beams to at least six (6) inches below the roof. No smokestack or pipe shall pass through any combustible floor or partition.

Heating Furnaces, Ovens, etc.

Sec. 11. Be it further enacted, etc., That heating furnaces, bakery ovens, coffee roasters, fire heated candy kettles or other similar appliances in which fires are maintained, when supported by beams or other floor construction made of wood or other combustible material, shall rest on a floor covering as herein provided for vertical boilers.

Walls; How Regulated, etc.

Sec. 12. Be it further enacted, etc., That no combustible wall or partition shall be within four (4) feet of the sides or back or six (6) feet from the front of any boiler; unless said wall or partition shall be covered with metal to a height of at least four (4) feet above the floor, and this covering shall extend from the end or back of the boiler to at least five (5) feet in front of it, the distance shall not be less than two (2) feet from the sides and five (5) feet from the front of the boiler.

Woodwork Protected, etc.

Sec. 13. Be it further enacted, etc., That all woodwork within twenty-four (24) inches of any furnace or other heating apparatus shall be protected by metal shield with one-half ($\frac{1}{2}$) inch air space between woodwork and shield. No furnace, boiler, range or other heating device shall be placed against a furred wall.

Gas, Gasoline or Oil Stoves and Heaters; How Placed

Sec. 14. Be it further enacted, etc., That all gas, gasoline or oil burning stoves and heaters shall be placed on iron stands at least five (5) inches clear above combustible material on which they rest, unless the burners are at least six (6) inches above the base of the stoves and metal guard plates four (4) inches below the burners.

Charcoal; Electric Iron or Other Apparatus; How Placed

Sec. 15. Be it further enacted, etc., That no charcoal or electric iron, soldering pot, glue pot, blow torch or other apparatus in which heat is generated or utilized, shall be placed in contact with any combustible substance, but must rest on some non-combustible stand with a clearance of at least five (5) inches from any combustible substance.

Receptacles for Ashes

Sec. 16. Be it further enacted, etc., That all receptacles for ashes shall be galvanized iron, brick or other incombustible material, and on legs, so that the bottom of such receptacle, shall be at least five (5) inches clear of the floor.

All Useless Materials or Rubbish Defined

Sec. 17. Be it further enacted, etc., That no person or persons shall allow to remain longer than twelve (12) hours, or over night, in any alley, sidewalk or on any premises within thirty (30) feet of any building, empty boxes, barrels, rubbish, trash, waste paper, excel-

sior of other like combustible materials not incident and necessary to their trade or business.

Theatres and Moving Pictures; How Wired

Sec. 18. Be it further enacted, etc., That electrical wiring and equipment of all theatres and moving picture establishments and construction and installation of all moving picture machines shall conform in full to the current requirements of the National Board of Fire Underwriters as contained in the National Electrical Code.

Location, Exits and Entrances, etc.

Sec. 19. Be it further enacted, etc., That no picture machine shall be installed, maintained or operated in any building that does not abut directly upon the street. In exhibition rooms directly abutting upon the street, the booth enclosing the picture machine shall be placed at the end of the room which is opposite and furthest from the street, or on a balcony or raised platform nearest the street. No room to be used as an exhibition room unless it has one separate and distinct exit in addition to the front exit. All exits and entrances shall open directly from the exhibition room upon the street or alley or into a vestibule or lobby opening immediately into the street. No exit in exhibition halls for picture machines shall be less than four feet wide and all exit doors shall be arranged to swing outward. All aisles shall lead directly to exits and all exits shall be directly accessible to aisles. No aisles shall be less than three (3) feet in width.

Seats; How Arranged

(a) All seats in any exhibition hall for picture machine shall be securely fastened to the floor and shall be so arranged that there will not be more than six feet between an aisle and a wall and not more than twelve (12) seats between two aisles.

Fire Escapes

Sec. 20. Be it further enacted, etc., That every building already erected, or that may hereafter be erected, more than three (3) stories in height, occupied and used as a hotel, apartment hotel or lodging house, and every boarding house having more than fifteen sleeping rooms above the basement, every factory, mill, manufactory or workshop, hospital, theatre, asylum or institution for the care or treatment of individuals, buildings three stories and over in height used or occupied as a store or work room, buildings in whole or in part occupied or used as a school or place of instruction or assembly, office buildings four stories or more in height, shall be provided with such good and sufficient fire escapes, stairways, suitable enclosures and other means that will afford safe means of egress in case of fire.

(a) Fire escapes on the outside of buildings shall consist of open iron balconies and stairways.

(b) The stairway shall be placed at an angle of not more than sixty (60) degrees, with steps not less than six (6) inches in width

and twenty (20) inches in length, and with a rise of not more than fifteen (15) inches.

(c) The balcony on the top floor, except in case of front fire escape, shall be provided with a goose neck ladder leading from said balcony to and above the roof.

(d) The balconies shall not be less than three (3) feet in width, and placed at each story above the ground floor.

(e) There shall be a landing not less than twenty-four (24) inches square at the head and foot of each stairway.

(f) The stairway opening on each platform shall be of sufficient size to provide clear headway.

(g) The platform or balconies and stairs shall be constructed and erected to safely sustain in all parts a safe load of not less than seventy (70) pounds per square foot.

(h) The outside rail shall extend around the entire exposed side of the platform and shall be secured to the platform and walls of the building in a rigid and secure manner.

Penalty

Sec. 21. Be it further enacted, etc., That any one violating any of the provisions of this act shall upon conviction thereof before a court of competent jurisdiction be subject to a fine not exceeding two hundred and fifty dollars (\$250) or imprisonment not exceeding six (6) months, or both, at the discretion of the Court.

Repealing Clause

Sec. 22. Be it further enacted, etc., That all laws or parts of laws in conflict or inconsistent herewith be and the same are hereby repealed.

LIENS AND PRIVILEGES

CLAIMS OF MECHANICS, ETC., AGAINST NON-RESIDENT PLANTERS

Act 92 of 1873, P. 163

TITLE

AN ACT to enable mechanics and others to recover their wages, etc., and to prescribe a mode of making service of citation in such cases, etc.

Wages Due and Procedure

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That hereafter, from and after the passage of this Act, in all parishes of the State it shall be lawful for mechanics, laborers and others doing work on the plantation or plantations of the non-resident proprietors thereof, to institute suit for the recovery of their wages, labor, work or portion of the crop, as the case may be, against the non-resident proprietors of said plantation in the parish in which said labor or work was done or performed.

Citation and Petition Upon the Agent, etc.

Sec. 2. Be it further enacted, etc., That in all cases where suits are to be instituted it shall only be necessary to make service on the copy of citation and petition upon the agent, overseer, manager or other person having control, management or administration of said plantation, and in the employ of said non-resident proprietor.

When in Effect

Sec. 3. Be it further enacted, etc., That this Act shall take effect from and after its passage.

LIEN AND PRIVILEGES IN FAVOR OF GATHERERS OF MOSS

Act 154 of 1888, P. 214

TITLE

AN ACT creating a privilege on Louisiana moss in favor of party making advancements, and in favor of laborers engaged in gathering same, etc.

Lien Authorized

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That any person advancing money, or furnishing supplies to enable another to gather, pick, save and prepare for the market, moss grown on trees in this State, shall have a privilege for such advances and supplies upon the moss so gathered, picked, saved and prepared for market.

Laborer's Lien Ranks First, etc.

Sec. 2. That all laborers engaged in gathering, picking, saving and preparing for market any moss grown on trees in this State shall

have a privilege for their wages on such moss, which privilege shall rank first and that of the furnisher of supplies second.

Repealing Clause

Sec. 3. Be it further enacted, etc., That all laws or parts of laws in conflict with this Act be, and are hereby repealed.

LIEN AND PRIVILEGES OF LABORERS ON LOGS AND TIMBER

Act 208 of 1908, P. 312

TITLE

AN ACT to amend and re-enact Act 10 of 1890, entitled " An Act to create a lien for labor on logs or other timber," etc.

Lien Created on Logs and Timber

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That Act 10 of 1890 be amended and re-enacted so as to read as follows: That any person or persons who shall perform any labor or service in deadening, felling, cutting, hauling, banking, driving, running, rafting or booming any logs, timber or staves in this State, or any person cooking for persons engaged in said business, shall have a lien and privilege thereon for the amount due for such labor or service, which lien and privilege shall be concurrent with that of the furnisher of necessary supplies.

How Lien May be Enforced

Sec. 2. Be it further enacted, etc., That any person or persons having a lien or privilege as provided by Section 1 of this Act, when they sue for their wages or other amount due them for such labor or service, shall have the right to previously seize the logs, timber or staves on which they have a lien or privilege by making oath to the amount due, and they verily believe that the logs, timber or staves on which they have their lien or privilege are about to be removed from the place where their service was performed; or if such logs, timber or staves have already been removed, that they verily believe that they are about to be sold or disposed of so as to deprive them of their privilege.

Repealing Clause

Sec. 3. Be it further enacted, etc., That all laws or parts of laws contrary to and in conflict with this Act are hereby repealed.

LIENS ON RAILROADS IN FAVOR OF LABORERS, ETC.

Act 98 of 1916, P. 217

TITLE

AN ACT creating a lien and privilege upon roadbeds, tracks, rights of way and franchises of all railroads in the State of Louisiana, in favor of persons, firms, laborers, etc.

Lien on Roadbeds in Favor of Laborers, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That a lien and privilege is hereby created and established upon the roadbeds, tracks, rights of way and franchises of all the railroads in the State of Louisiana, in favor of all persons, firms or corporations who have furnished supplies, materials or labor that entered into the construction, maintenance or repair of the permanent roadbed or structures of such railroad, and to secure the amount due for such supplies, materials or labor.

Recording Not Necessary

Sec. 2. Be it further enacted, etc., That such lien and privilege shall exist without the necessary recordation, and shall be good for a period of twelve months from the date upon which such materials or supplies were delivered, or such labor was performed; provided, that in case of running account of twelve months shall be calculated from the date of the delivery or performance of the last item upon such account.

Rank of Lien

Sec. 3. Be it further enacted, etc., That the lien and privilege herein granted shall be first lien and privilege upon the roadbeds, tracks, rights of way and the franchises of said companies, and shall have preference and priority over all other liens, mortgages or encumbrances of any character whatsoever, and shall be paid by preference out of the proceeds of the sale of the roadbeds, tracks, rights of way and franchises of such railroad companies, under foreclosure or otherwise.

Repealing Clause

Sec. 4. Be it further enacted, etc., That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

LIEN AND PRIVILEGE IN FAVOR OF MANAGERS, MECHANICS, ETC., IN SUGAR REFINERIES, ETC.

Act 185 of 1914, P. 350

TITLE

AN ACT creating a privilege in favor of all managers, mechanics or laborers employed and working in sugar refineries, sugar mills and syrup mills, on all syrup, sugar or molasses manufactured in said mills, during the same season, so long as said syrup, sugar or molasses shall remain in the possession or custody of said sugar refineries, sugar mills or syrup mills, etc.

Lien and Privilege Granted and Regulated

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That all managers, mechanics or laborers employed by or working in sugar refineries, sugar mills or syrup mills shall have a lien or

privilege on all sugar, syrup or molasses manufactured during the same season by the said refineries or mills, where such managers, mechanics and laborers are engaged or employed, for the payment of their salaries or wages; provided, that the lien or privilege herein granted shall not exist for a longer period of time than thirty days after the maturity of the debt, and provided further, that this lien shall have no effect against bona fide purchasers.

Lien Superior to Unpaid Vendors

Sec. 2. Be it further enacted, etc., That such lien or privilege shall be superior to the unpaid vendors of sugar cane, during the said season.

Right of Employee

Sec. 3. Be it enacted, etc., That all managers, mechanics or laborers having a lien or privilege as provided by Section 1 of this Act, when entering suit for the recovery of their wages, salaries or other amount due them for such labor or service, shall have the right to provisionally seize the sugar, syrup and molasses, and all material manufactured in the refineries, sugar mills and syrup mills on which they have a lien or privilege, by making oath to the amount he claims, whether due or not due, and that they verily believe that the sugar, syrup or molasses are about to be removed from the place where such service or labor was performed; or if such sugar, syrup, molasses or other material manufactured have already been removed, that they verily believe such sugar, syrup, molasses or other material manufactured are about to be sold or disposed of, so as to deprive them of their lien or privilege.

Repealing Clause

Sec. 4. Be it further enacted, etc., That all laws or parts of laws contrary to or in conflict with this Act are hereby repealed.

LIENS AND PRIVILEGES IN FAVOR OF MANAGERS, MECHANICS, ETC., IN SAWMILLS Act 23 of 1912, P. 30

TITLE

AN ACT to amend and re-enact Act 52 of 1910, entitled: "An Act to amend and re-enact Act 145 of 1888, entitled: An Act creating a privilege in favor of all managers, mechanics or laborers employed or working in sawmills," etc.

Lien and Privilege Provided for, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That Act 52 of 1910 be amended and re-enacted so as to read as follows: That all managers, mechanics or laborers employed by or working in sawmills, planing mills, shingle mills, sash, door and blind factories, hoop mills, stave and box factories, shall have a lien

or privilege on all logs, square timbers, shingles, sash, doors, blinds, hoops, staves, boxes and all material manufactured in the sawmills, planing mills, shingle mills, sash, door and blind factories, hoop mills, stave and box factories, where such managers, mechanics and laborers are engaged or employed, for the payment of their salaries or wages; provided, that this lien or privilege shall have no effect against bona fide purchasers of the said material, without previous notice.

Right to Seize Property

Sec. 2. Be it further enacted, etc., That all managers, mechanics or laborers having a lien or privilege as provided for in Section 1 of this Act, when entering suit for the recovery of their wages, salaries or other amount due them for such service or labor, shall have the right to provisionally seize the logs, square timbers, or lumbers, shingles, sashes, doors, blinds, hoops, staves and boxes, and all material manufactured in the sawmills, planing mills, shingle mills, sash, door and blind factories, hoop mills, and stave and box factories on which they have a lien or privilege, by making oath to the amount which he claims, whether due or not due, and that they verily believe that the logs, square timbers, lumbers, shingles, sashes, doors, blinds, hoops, staves and boxes, or other material manufactured on which they have a lien or privilege, are about to be removed from the place where such labor or service was performed, or that they are about to be sold or disposed of, so as to deprive them of their lien or privilege. Provided, that in seizure of logs, square timbers, lumbers, shingles, sashes, doors, blinds, hoops, staves and boxes or other material on which the managers, mechanics or laborers have a lien and privilege, the Sheriff, his deputy or any constable shall in no case seize more than is sufficient to satisfy the plaintiff's claim and all costs.

LIEN AND PRIVILEGES ON TELEGRAPH POLES, CROSS TIES, ETC.

Act 195 of 1912, P. 382

TITLE

AN ACT creating and granting a lien and privilege on all telephone, telegraph poles, cross ties manufactured, in this State, in favor of furnishers of supplies, laborers, etc.

Lien Created on Poles, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That a lien and privilege is hereby created and granted on all telephone, telegraph poles, cross ties manufactured, and on all logs or timber out of which same are being manufactured, in this State, in favor of the land or stumpage owner.

In Whose Favor Lien is Granted

Sec. 2. Be it further enacted, etc., That any person or persons

who shall perform any labor or service whatsoever in deadening, felling, cutting, hauling, banking, driving, running, rafting or booming any log or timber in this State, for the purpose of manufacturing telephone, telegraph poles, and cross ties, or any of them or any person or persons engaged in the manufacture of telephone, telegraph poles, cross ties or any of them, shall have a lien and privilege on all logs, timber, telephone, telegraph poles, and cross ties, or any of them.

Lien in Favor of Furnishers of Supplies, etc.

Sec. 3. Be it further enacted, etc., That any person or persons furnishing supplies, provisions, or money, in deadening, felling, cutting, hauling, banking, driving, running, rafting or booming any log or timber for the purpose of manufacturing telephone, telegraph poles, and cross ties, or any of them, or in manufacturing telephone, telegraph poles, or cross ties, shall have a lien and privilege on same.

Rank of Liens

Sec. 4. Be it further enacted, etc., That all liens and privileges created and granted are hereby declared to be concurrent among the parties for whom such liens and privileges are established. That all liens and privileges created and granted shall not exist for a longer period than one year after the maturity of the debt. That all persons, having a lien and privilege, as provided for in this Act, when entering suit for any debt or money due them, shall have the right to provisionally seize the said logs, timber, telephone, telegraph poles, and cross ties, wherever found in this State, by simply making oath to the amount due them; and when in the parish where the said logs, timber, telephone, telegraph poles, or cross ties have been manufactured, by making oath to the amount due them and that they verily believe that the said logs, timber, telephone, telegraph poles, or cross ties, on which they have a lien and privilege, are about to be disposed of or removed from the parish.

Act Effective After Promulgation

Sec. 5. Be it further enacted, etc., That this Act shall take effect from and after its promulgation.

Repealing Clause

Sec. 6. Be it further enacted, etc., That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

LIEN AND PRIVILEGE OF THRESHERMEN

Act 53 of 1906, P. 86

TITLE

AN ACT to give threshermen a lien and privilege for service rendered to any person, firm or corporation, in the threshing of their crop, on the crop of the said person, firm or corporation, etc.

Lien and Privilege Created; Rank of Same

SECTION 1. Be it enacted by the General Assembly of the State

of Louisiana, That threshermen shall have a lien and privilege for services rendered, either under contract or otherwise, to any person, firm or corporation, on the crop of said person, firm or corporation, which the said thresherman has threshed; and the said lien and privilege shall be next in rank with the lien and privilege now given by law to the lessor.

Repealing Clause

Sec. 2. Be it further enacted, etc., That all laws or parts of laws in conflict with the Act be and the same are hereby repealed.

WAGES, EXEMPTIONS, SEIZURES**ASSIGNMENT OF WAGES REGULATED, ETC.**

Act 102 of 1916, P. 223

TITLE

AN ACT to regulate and control of lending money on assignment of salaries or wages, or on salaries or wages without assignments, or orders; to provide for the payment and collection of a license tax thereon; to confer power on parish, municipal, and other local governed bodies to levy licenses to pursue such business; to provide for the filing of reports with the State Commissioner of Labor and Industrial Statistics; to provide for the rate of interest to be charged on such loans, etc.

License Necessary to Engage in Business of Lending Money

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That no person, firm or corporation shall engage in the business of making advances or loans of money on assignments of salaries or wages, or on salaries or wages without assignments or orders, without first having obtained a license to do such business in the manner hereinafter provided.

Annual License Tax Required

Sec. 2. Be it further enacted, etc., That there is hereby levied an annual license tax by the State of Louisiana for the conduct of such business which shall be graded according to the actual capital in use in said business as follows:

First Class—Where the capital in use is more than \$25,000 the license shall be \$500.00.

Second Class—Where the capital in use is less than \$25,000 the license shall be \$250.00.

Provided that if any person, firm or corporation carrying on the business designated in Section 1, shall conduct more than one office or place or business whether in the same or under different names, such persons, firm or corporation shall pay a separate license for each and every office or place of business it shall conduct according to the hereinabove specifications.

Additional Licenses

Sec. 3. Be it further enacted, etc., That the Police Jury, commission council, city council, or other governing body of any parish, city, town or village, shall be empowered to levy an additional license which shall be graded according to the capital in use as specified in Section 2 of this Act.

Interest When License Not Paid

Sec. 4. Be it further enacted, etc., That all unpaid licenses shall bear interest at the rate of two per cent. per month from the first

day of March, and the payment thereon shall be secured by first lien and privilege in favor of the State, and any parish, city, town or village upon the property, movable and immovable, of the delinquent owing the license, and the tax collector or ex-officio tax collector of the State, parish, city, town or village, shall collect said license and interest in the manner provided by existing laws.

Report to State Commissioner of Labor

Sec. 5. Be it further enacted, etc., That whenever the State shall issue a license to do business as herein provided, the officer issuing such license shall report to the State Commissioner of Labor and Industrial Statistics, the name and address of the person, firm or corporation to which such license is issued, and it shall be the duty of said commissioner within thirty days of the issuance of such license to require a report from the licensee under oath, on blanks to be furnished at the expense of the State, containing the name of the person, firm or corporation engaged in said business, the location of the place of business, and the amount of capital in use in said business at the date of making such report, and all other funds used in loanable capital in said business and obtained other than through capital contribution.

Rate of Interest Regulated and Defined

Sec. 6. Be it further enacted, etc., That the borrower shall not be permitted to pay, nor the lender to charge, whether in the form of interest, commissions, discounts, or fees of whatsoever sort, a total of more than eighteen per cent. per annum for the actual length of time the money is used.

Records Which Must be Kept

Sec. 7. Be it further enacted, etc., That any person, firm or corporation engaged in the business mentioned in Section 1 of this Act, shall keep a full, true and correct record of all loans and advances made by him or it, which record shall show the names and addresses of the person, firm or corporation to whom such loans are made, the rate of interest and the terms of such loans or advances; and shall also keep a true and correct record of all sums repaid to him or it on account of such loan or loans as principal, or interest thereon, or as commissions or as a fee or fees of any and every sort connected therewith.

Assignments Not Valid Until Accepted by Employer

Sec. 8. Be it further enacted, etc., That no assignments of or order for wages to be earned in the future shall be valid in favor of the person, firm or corporation engaged in business as provided for in this Act, against the employer of the person making such assignment or order, until such assignment or order is accepted in writing by said employer.

What Assignments Are Invalid

Sec. 9. Be it further enacted, etc., That no assignments of or order for wages or salaries to be earned in the future shall be valid when made by married men, unless the written consent of his wife to the making of such assignment or order is attached thereto; provided, that where a married man is living separate and apart from his wife for a period of five months prior of such assignment or the giving of such order, then such consent shall not be required.

Penalty Imposed

Sec. 10. Be it further enacted, etc., That any person, firm or corporation who shall violate any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than \$250.00 nor more than \$500.00.

Revocation of License

Sec. 11. Be it further enacted, etc., That any person, firm or corporation who shall be convicted of a violation of the provisions of this Act shall have his or its license to do business under the provisions of this Act, summarily revoked, and all loans made or entered into in contravention of the provisions of this Act shall be cancelled and declared void and of no force and effect.

Repealing Clause

Sec. 12. Be it further enacted, etc., That all laws or parts of laws in conflict with the provisions of this Act, be and the same are hereby repealed.

EXEMPTION FROM SEIZURE, ETC.

Act 79 of 1876, p. 123

TITLE

AN ACT to amend Article 644 of the Code of Practice; to repeal all laws contrary to or in conflict with this Act and all laws on the same subject matter; the amendment of Article 644 of the Code of Practice; to fix penalties for the violation of this Act and to fix the limits of this Act and the interpretation to be given it.

Exemptions Granted by this Act

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That Article 644 of the Code of Practice be so amended as to read as follows: "The sheriff or constable can not seize the linen and clothes belonging to the debtor or his wife, nor his bed, bedding or bedstead, nor those of his family, nor his arms and military accoutrements, nor his tools and instruments, and books, and sewing machines necessary for the exercise of his or her calling, trade or profession by which he or she makes a living, nor shall he in any case seize the rights of personal servitude, of use and habitation, of usufruct to the estate of a minor child, nor the income of dotal property, nor money due for the salary of an officer, nor laborer's wages, nor the cooking stove and utensils of

the said stove, nor the plates, dishes, knives and forks, and spoons, nor the dining table and dining chairs, nor wash tubs, nor smoothing irons and ironing furnaces, nor family portraits belonging to the debtor, nor the musical instruments played on or practiced on by any member of the family.

Violation; Penalty

Sec. 2. Be it further enacted, etc., That any person offending against the provisions of this Act, or who shall by any artifice or subterfuge induce or procure another to sign away, by contract or otherwise, any of the rights which he or she may have under this Act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not exceeding two hundred dollars, or imprisonment for a term not exceeding six months, or both, at the discretion of the Court.

Repealing Clause

Sec. 3. Be it further enacted, etc., That all laws and parts of laws conflicting with this Act or contrary to any of its provisions, and all laws on the same subject matter, the amendment of Article 644 of the Code of Practice, be and are hereby repealed.

Repealing Clause Does Not Effect Homesteads, etc.

Sec. 4. Be it further enacted, etc., That the repealing clause of this Act shall not be construed or interpreted so as to effect the exemption of the homestead, the widow's one thousand dollars, nor the rural and agricultural exemptions now in force by existing laws, it being the true meaning and intent of this Act that those exemptions should not be affected by this Act.

When in Effect

Sec. 5. Be it further enacted, etc., That this Act shall take effect from and after its passage.

NOTE.—A creditor issued garnishment process against the debtor of his debtor, the latter being a locomotive passenger engineer. Held that the wages of the latter were not exempt and the officer making the seizure and the creditor being arrested and fined for making it, would on certiorari be released. *State ex rel Heldingsfeld et al. vs. Hicks*, Judge, 108, L. 113.

Mechanical engineers, electrical engineers, clerk, agents, cashiers of banks, book-keepers, and all that class of employees whose employment requires mental labor and skill are not considered as laborers. The exemption from seizure protects laborers on farms, plantations, factories and other places where workmen possess no particular skill. *State ex rel I. X. L. Grocery Co. vs. Land*, 108 L. 512. Railroad switchman is a laborer. *Schroeder vs. Collins*, 113 L. 778.

Property Law Books pledged are not exempt. The Act does not deprive the owner from pledging his property, it was the pledge not the seizure which deprived him of the property. *Kyle vs. Sigur*, 121 L. 888. The law books of an attorney are exempt. *Lambeth vs. Milton*, 2 Rob. 81, so are books used by a minister of the Gospel, *State vs. St. Paul*, 111 L. 7. Commercial books and sometimes house furniture including a safe. *Farmers & Merchants Bank vs. Franklin*, 1 A. 393. Printing press and material of a printer and editor, *Prather vs. Bobo*, 15 A. 524, all are exempt. A horse used by a physician is not exempt. *Hanna vs. Bory*, 5 A. 651; nor is the machinery of an extension factory, *Boston Belting Co. vs. Ivens*, 28 A. 695. The property of a partnership is not exempt. *White & Barret vs. Heffner*, 30 A. 1280. Property seized and claimed to be exempt cannot be released by the judge on an ex parte application. *Chaplin & Co. vs. Lesso & Sheen*, 31 A. 171. When a surety seeks to qualify and states he possesses household furniture sufficient, etc., without describing it, etc., presumption is that the greatest part is exempt. *State ex Holyland vs. Judge*, 35 A. 737. But the exemption under this Act does not apply to claims of lessees for rent. *Stewart vs. Laconme*, 30 A. 157.

EXEMPTION OF WAGES EARNED OUTSIDE OF STATE, ETC.

Act 165 of 1904, p. 341

TITLE

AN ACT to protect employees in garnishment cases, where wages are earned outside of the State, etc.

Wages Earned Outside of State Exempt

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That wages earned outside of this State and payable outside of this State shall be exempt from attachment of garnishment in all cases where the cause of action arose out of this State, and it shall be the duty of garnishees in such cases to plead such exemption unless the defendant is actually served with the process.

Repealing Clause

Sec. 2. Be it further enacted, etc., That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

FORFEITURE OF WAGES AND FINES BY EMPLOYER PROHIBITED

Act 62 of 1914, p. 33

TITLE

AN ACT prohibiting any individual, person, firm or corporation, acting either for themselves, or as agents, to require employees by contract or otherwise when discharged or when such employee quits to forfeit the wages due and to prevent employers from assessing fines against employees, etc.

Contract for Forfeiting Wages is Prohibited

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That it shall hereafter be unlawful for any individual, person, firm or corporation, acting either for themselves, or as agents, or otherwise to require any of their employees to sign contracts by which said employees shall forfeit their wages if discharged before the contract is completed or if said employees resign their employment before said contract is completed; but in all such cases said employee shall be entitled only to the wages actually earned up to the time of his discharge or resignation.

Assesment of Fines Unlawful

Sec. 2. Be it further enacted, etc., That it shall be unlawful for any individual, person, firm or corporation, acting either for themselves or otherwise, to assess any fines against their employees, or to deduct any sum as fines from the wages of said employees, provided that this Section shall not apply in cases where the employees wilfully or negligently damage goods or works, or in cases where the employees wilfully or negligently damages or breaks the property of the employers and in all such cases the fines shall not exceed the actual damage done.

Penalty

Sec. 3. Be it further enacted, etc., That any violation of this Act shall be a misdemeanor and punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars, or imprisonment for at least thirty days or not more than three months, at the discretion of the Court.

When in Effect; Repealing Clause

Sec. 4. Be it further enacted, etc., That this Act shall go into effect immediately after its promulgation and all laws or parts of laws in conflict herewith be and the same are hereby repealed.

**INTEREST ON ADVANCES ON WAGES REGULATED
AND DEFINED**

Act 240 of 1912, p. 536

TITLE

AN ACT to prohibit employers, whether they be builders, contractors, or any other individual, or corporation engaged in constructural, paving, or other work, whereat are employed skilled and other laborers, where wages are paid weekly or semi-monthly, from lending or advancing to their employees, at a greater rate of interest than is fixed and permitted by law, and to define the offense, etc.

Rate of Interest Defined, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That it shall be unlawful for any individual, whether for his own account or for that of any other individual or corporation to lend or advance money to one of his employees, or to a laborer engaged in constructural, paving, or other manual employment at a greater rate of interest than eight (8) per cent. per annum, otherwise he shall be deemed guilty of a misdemeanor and upon the complaint of any victim or other person he shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisonment for a period of not more than three months or both at the discretion of the Court.

When in Effect; Repealing Clause

Sec. 3. Be it further enacted, etc., That this Act shall go into effect immediately after its passage and that Acts in conflict therewith be and are hereby repealed.

SALE OF CLAIMS FOR SUIT IN OTHER STATES PROHIBITED

Act 28 of 1910, p. 48

TITLE

AN ACT making it a misdemeanor to seek, solicit, receive or transfer any account, note or other claim against a resident of this State, who works for a salary or wages, with the view or with the intention of suing on it in another State, or permitting such suit, or aiding or abetting such suit on such claim in another State against a citizen of this State, etc.

Illegal to Solicit Claims, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That it shall be illegal for any person, firm or corporation, to seek, solicit, receive or transfer any account, note or other claim against a resident of this State, who works for a salary or wages, with a view or with the intention of suing on it in any other State, or permitting such to be done, or aiding or abetting such suit on such claim in another State, against a resident of this State.

Penalty

Sec. 2. Be it further enacted, etc., That whoever seeks, solicits or receives such claim, and whoever sells or transfers such claim to another with the intent or purpose of suing or permitting suit on it in another State, shall be guilty of a misdemeanor in the parish in which the person owning the account, note or claim resides and the Court of said parish shall have jurisdiction to try such offense, and on conviction shall be fined not less than fifty dollars and not more than one hundred dollars and imprisoned not less than thirty days nor more than sixty days for each offense.

Repealing Clause

Sec. 3. Be it further enacted, etc., That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

SEMI-MONTHLY PAYMENT OF EMPLOYEES, ETC.

Act 255 of 1918, p. 463

TITLE

AN ACT to amend and re-enact Act No. 108 of 1916, entitled an Act to amend and re-enact Act No. 25 of 1914, approved June 18th, 1914, entitled "an Act to require corporations, companies, associations, partnerships, and individuals engaged in manufacturing, also oil companies and mining companies, employing public labor, and every public service corporation doing business in this State, to pay the employees every two weeks or twice each month; providing a penalty for the violation of the provisions of this Act, and repealing all laws in conflict herewith."

Employees to be Paid Semi-monthly

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That Act No. 108 of 1916, be amended and re-enacted so as to read as follows: "Be it enacted by the General Assembly of the State of Louisiana, That every corporation, company, association, oil companies and mining companies, partnerships or individual persons, engaged in manufacturing of any kind in this State, or engaged in boring for oil and in mining operations, employing as many as ten (10) or more employees, and every public service corporation doing business in this State, shall be required to make full payment to employees for services performed, as often as once every two weeks or twice during each calendar month, which pay days shall be two weeks apart as near

as is practicable, and such payment or settlement shall include all amounts due for labor or services performed up to not more than seven days previous to the time of payment, except that public service corporations shall not be required to make payment for labor or services performed up to not more than fifteen days prior to the time of payment, provided that, except in cases of public service corporations, this Act shall not apply to the clerical force or salesmen."

Penalty

Sec. 2. Be it further enacted, etc., That any corporation, or member of the Board of Directors of a corporation, foreman, manager, overseer, or paymaster of any company, corporation, association or partnership, or any other person having employees under his control; who violates the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars, nor more than two hundred and fifty dollars, and may be imprisoned for not less than ten days, or both, at the discretion of the Court, for each offense, and for each day's violation.

Repealing Clause

Sec. 3. Be it further enacted, etc., That all laws or parts of laws in conflict with the provisions of this Act, be and the same are hereby repealed.

NOTE.—Act 25 of 1914, requiring manufacturers employing ten or more persons to pay said employees every two weeks, is not invalid as an unreasonable classification within the meaning of either the federal or the Louisiana Constitution. State vs. Cul-lum. 138 La. 395, 70 So. 338.

Act 25 of 1914 regulating semi-monthly pay-days is not repugnant to the federal or State Constitution. State vs. McCarroll. 138 La. 454, 70 So. 448.

WAGES OF DISCHARGED EMPLOYEES REGULATED

Act 150 of 1920, P. 229

TITLE

AN ACT to provide for the payment within twenty-four hours after discharge of laborers or other employees, at place where usually paid, all wages due, and fixing a penalty for violation of this Act, etc.

Discharged Employees Must be Paid within Twenty-four Hours, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That it shall be the duty of every person, individual, firm or corporation employing laborers or other persons of any kind whatever when they have discharged said laborer or other employee, to within twenty-four hours after discharged pay the laborer or employee the amount due him or them under the terms of his or their employment, whether by the day, week or month, upon demand being made by the said discharged laborer or employee, upon his employer, at the place where said employee or laborer is usually paid.

Penalty; Employer Liable

Sec. 2. Be it further enacted, etc., That any individual, firm, person or corporation employing laborers or others in this State who shall fail or refuse to comply with the provisions of Section 1 of this Act, shall be liable to the said laborer or other employee for his full wages from the time of such demand for payment by the discharged laborer or employee until the said person, firm or corporation shall pay or tender payment to the amount due such laborer or other employee.

Repealing Clause

Sec. 3. Be it further enacted, etc., That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

MISCELLANEOUS LAWS**ABSENTEES VOTING PROVISIONS**

Act 61 of 1921, E. S. P. 178

TITLE

AN ACT to provide for method of voting by persons absent, etc., at special, general or primary elections, etc., defining methods and procedure, etc.

Absentees Voting, etc.

SECTION 1. Be it enacted by the Legislature of the State of Louisiana, That any qualified elector of the State of Louisiana, having duly registered, who expects, in the course of his or her business or duties to be absent from the parish in which he or she is a qualified elector, on the day of holding any special, general or primary election at which any presidential preference is indicated, or any candidates are chosen or elected, for any Congressional, State, District, Parish, Ward, Town, City, Village, Precinct, or Judicial offices, or at which questions of public policy are submitted, may vote at such election as hereafter provided.

Voter to Make Application to Clerk of Court

Sec. 2. That any elector as defined in the foregoing section, expecting to be absent from the Parish of his residence on the day of such an election, may, not more than ten days, nor less than two days prior to the date of such an election, make application to the Clerk of the District Court of the Parish in which the applicant may reside, for an official ballot, of the election to be held, except in the Parish of Orleans, he shall apply to the Civil Sheriff of said Parish, and it shall be the duty of the Secretary of State to furnish the Clerks of the District Courts for each respective Parish and the Civil Sheriff of the Parish of Orleans, fifteen days prior to any special, primary or general election, a sufficient number of printed ballots for each Precinct in the Parish of the election to be held together with printed instructions relative to the election to be held in accordance with the provision of this Act. In all municipal elections, it shall be the duty of the officials in charge of the printing of the tickets for the said municipal elections to furnish the said officer of the Parish in which said municipal election is to be held, a sufficient number of ballots to meet the demands of all applicants who desire to vote under the provisions of this Act.

Affidavit and Application for Ballot

Sec. 3. That every application for such a ballot shall be made on a bank to be furnished by the said officer charged with the duty of furnishing ballots to applicants as aforesaid and said application shall be substantially in the following form:

Affidavit and Application for Ballot.

To be voted at the.....election of the.....precinct of the.....ward in the City or Town of.....Parish of.....and State of Louisiana.

State of Louisiana.

Parish of.....

I,do solemnly swear that I am a resident of the....., precinct of the town of....., or of the.....Ward in the City ofresiding at.....in said City or Town in the Parish of....., and State of Louisiana.

That I have lived at said address for.....months past; that I am a duly qualified registered voter, that I am affiliated with the.....party and entitled to vote in such precinct at the.....election; that my business duties are.....for.....(employer).....of.....Street in the City of.....and State of Louisiana, and that in the course of my business or duties, I expect to be absent from the said Parish of my residence at the City of....., State of.....on the day of holding such election, and that I will have no opportunity to vote in person on that day.

I hereby make application for an official ballot or ballots to be voted by me at such election if I am absent from the said Parish of my residence.

Subscribed and sworn to by....., who is personally known to me, before me this.....day of.....A. D.....

Civil Sheriff Parish of Orleans.....or Clerk of District Court for Parish of.....State of Louisiana.

(Penalty Clause Set Out in Full.)

Provided, that if application be made for primary election ballot, such application shall designate the name of the political party with which the applicant is affiliated.

Manner of Voting

Sec. 4. That immediately upon receipt of such application, and after the elector has made affidavit and complied with the law in regard to the execution of his application for a ballot, and in the Parish of Orleans, has presented his Registration Certificate to the Civil Sheriff of said Parish, or his chief deputy, the said officer in charge of the ballot shall post the name of the applicant giving the street address, ward and precinct number on a list to be kept by the said officer in a conspicuous place accessible to the public at the entrance of his office and after the said name has been posted, deliver to the applicant the ballot or ballots necessary to enable said elector to cast his vote at said election, and that said elector shall then retire out of the presence of the said officer and to some point or place in said office and make out his ballot in secret, and after said ballot has been properly marked by applicant indicating his choice or preference of the candidates to be voted on in said election or the proposition sub-

mitted in said election, and after said ballot or ballots have been properly folded so as to not disclose how said ballot was marked he shall in the presence of the said officer deposit same in an envelope to be furnished him by the said officer, and after same shall have been sealed by him in the presence of said officer he shall subscribe to an affidavit substantially in the following form which shall be printed on the back of the envelope containing the applicant's ballot.

State of Louisiana

Parish of.....

I,, do solemnly swear that this envelope contains the ballot or ballots as marked by me indicating my choice of the candidates or propositions to be submitted at the election to be held on the..... day of..... A. D....., and I hereby authorize the commissioners of the election for the.....precinct of the City, Town or Ward of the Parish of....., State of Louisiana, on the day of holding said election between the hours governing same, to open the envelope and deposit the within ballot or ballots in the ballot box at said precinct and record my name on the poll list the same as though I was present in person and voted at said election.

I further swear that I marked the enclosed ballot in secret.

.....
Subscribed and sworn to before me....., Clerk of District Court or Civil Sheriff, Parish of Orleans, this the.....day of..... A. D.....

I hereby certify that the affiant whose name appears above after receiving the ballot or ballots from me, retired out of my presence and in secret marked such ballot, and after folding said ballot exhibited same so as to show the words "Official Ballot," and then after placing said ballot in the envelope, closed and sealed said envelope in my presence without my seeing or knowing how the applicant voted and that the affiant was not solicited or advised by me to vote for or against any candidate or proposition.

.....
Civil Sheriff of the or Clerk of District
Parish of Orleans Court for the
Parish of.....

Provided, that in case the ballot enclosed is to be voted at a primary election, the affidavit shall designate the name of the political party with which the voter is affiliated, otherwise such designation shall not be required.

In addition to the above, the said officer handing out the ballot shall provide printed slips, giving full instructions regarding the manner of marking or preparing the said ballot, in order that same may be properly voted, and shall furnish or exhibit one of said printed slips to each of said applicants at the same time the ballot is delivered to the applicant.

The Civil Sheriff of the Parish of Orleans or his chief deputy or the Clerk of the District Court of any Parish is hereby authorized to administer oaths in all cases necessary to carry out the provisions of this Act. In the Parish of Orleans, the Civil Sheriff or his Chief Deputy shall endorse upon the applicant's registration certificate, "Voted..... under Act.....of the Special Session of 1921" and shall sign his name thereto before accepting the sealed envelope containing the ballot from said applicant.

Delivery of Ballots to Commissioners

Sec. 5. That it shall be the duty of the said officer to receive the envelopes containing the ballots to those making application to vote who expect to be absent on the day of election, and to keep an accurate list of all persons preparing said ballots, and the said envelopes containing said ballots, together with the applications shall be kept by the said officer to be delivered to the commissioners of election of the respective precincts or wards. At the time said officer delivers to the Deputy Sheriff appointed as a returning officer to carry the election paraphernalia to the commissioners of election at the voting precinct, all ballots to be voted at any precinct, shall be included and shall be enclosed in a large carrier envelope and certified to on the back of said envelope or package as follows:

This package contains the application and ballots of.....absent electors who desire to vote and cast their ballot at the election to be held on the.....day of.....A. D....., at precinct number....., of the City, Ward or Parish of.....; that this package is not to be opened until the day of election.

Duty of Commissioners

Sec. 6. At the close of the regular balloting and at the close of the polls, the commissioners of election of each voting precinct shall proceed to count each absent voter's ballot, separately, and as the envelope containing the absent voter's ballot is taken from the large carrier envelope the name, address and precinct number shall be announced as shown on the back of the envelope, the envelope shall then be opened and the signature on the application compared with the signature on the back of the envelope, and if same corresponds, and the commissioners find that the applicant is a registered and qualified voter, and that he or she shows not to have appeared in person and voted at said election, the ballot shall be removed from said envelope, and without unfolding or permitting the same to be unfolded or examined and having observed and found the ballot to be regular as far as can be observed from its official endorsements, shall deposit the same in the proper ballot box or boxes and enter the absent voter's name in the poll book or poll list the same as if he or she had been present and voted in person.

In case such affidavit or the certificate of the officer before whom the same is taken is found to be insufficient or that the signatures do

not correspond or that the applicant is not a duly qualified elector in such precinct, or that the ballot envelope is open, or has been opened and resealed, or that said voter is present and has voted within the Parish where he represents himself to be a qualified elector on the day of such election at such precinct and ward, such previously cast vote shall not be allowed, but without opening the absent voter's envelope the Commissioners of such election shall mark across the face thereof, "Rejected," giving the reason therefor.

In case the ballot envelope contains more than one ballot of any kind, said ballot shall not be counted, but shall be marked "Rejected," giving the reason therefor.

The absent voter's envelopes and affidavits and the absent voter's envelope with its contents unopened, when such absent vote is rejected shall be retained and preserved in the manner as now provided for the retention and preservation of official ballots rejected at such election.

Challenging Votes

Sec. 7. The challengers of the respective parties or candidates shall be permitted to be present during the casting of the absent voter's ballots and the vote of any absent voter may be challenged for cause the same as if he were present and voted in person, the commissioners of the election or a majority thereof shall have power and authority to hear and determine the legality of such ballot; provided, however, that if a challenge to any absent voter's right to vote is sustained, notice of the same must be given by the commissioners of election by mail addressed to the voter's place of residence.

Deceased Voter

Sec. 8. Whenever it shall be made to appear by due proof to the commissioners of election that any elector who has marked and forwarded his ballot as provided in this Act has died prior to the opening of the polls on the date of the election, then the ballot of such deceased voter shall be returned by the commissioners of election in the same manner as provided for rejected ballots above; but the casting of the ballot of a deceased voter shall not invalidate the election.

Penalty

Sec. 9. If any person shall wilfully swear falsely to any such affidavit, he shall, upon conviction thereof, be guilty of perjury and shall be punished in such case as is by law provided. If any person who, having procured an official ballot or ballots as hertofore provided, shall wilfully neglect or refuse to cast or return same in the manner heretofore provided, or shall wilfully violate any provision of this Act, he shall be guilty of a misdemeanor, and shall be fined not less than two hundred dollars, nor more than one thousand dollars or imprisoned in the parish jail not to exceed one year, or both. If the Civil Sheriff of Parish of Orleans or his chief deputy or any District Clerk or

member or clerk of the board of election commissioners or any other election officer or officers shall refuse or neglect to perform any of the duties prescribed by this Act, or shall violate any of the provisions thereof, he shall upon conviction be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned in the Parish jail not to exceed one year.

Method Provided in Addition to Present Method

Sec. 10. This Act shall be deemed to provide a method of voting in addition to the method now provided by statute, and to such extent as amendatory of existing statutes relating to the manner and method of voting.

Repealing Clause

Sec. 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

BARBER SHOPS, ETC., MUST CLOSE ON SUNDAY

Act 146 of 1918, P. 253

TITLE

AN ACT to prohibit the operation of Barber Shops, Tonsorial Parlors or any other places where similar trades or businesses are carried on within the State of Louisiana, on Sunday, and to provide penalties for the violation of this Act.

Unlawful to Operate Barber Shops, etc., on Sunday

SECTION 1. Be it enacted, etc., by the General Assembly of the State of Louisiana, That it shall be unlawful hereafter for the operation of Barber Shops, Tonsorial Parlors or any other places of business where the trades of cutting and clipping hair, shaving or massaging is carried on within the State of Louisiana, on Sunday.

Penalty

Sec. 2. Be it further enacted, etc., That any person or persons who shall be convicted for the violation of this Act, shall be fined the sum of not less than twenty-five (25) dollars, nor more than one hundred (100.00) dollars, or shall serve not less than thirty (30) or more than sixty (60) days in prison, or shall be both fined and imprisoned as herein provided, in the discretion of the Court.

COERCING EMPLOYEES TO JOIN LABOR ORGANIZATIONS IS UNLAWFUL

Act 294 of 1914, P. 602

TITLE

AN ACT making it unlawful to coerce employees from joining labor organizations.

Unlawful to Coerce Employees From Joining Labor Organizations

SECTION 1. Be it enacted by the General Assembly of the State

of Louisiana, That it shall be unlawful for any individual or member of any firm, or any agent, officer or employees of any company or corporation, to coerce, require, demand or influence any person or persons to enter into any agreement, either written, verbal, or implied, not to join or become a member of any labor organization or association, as a condition of such person or persons securing employment or continuing in the employment of such individual, firm or corporation.

Penalty

Sec. 2. Be it further enacted, etc., That any individual or member of any firm, or agent, officer or employee of any company or corporation violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than fifty dollars (\$50.00), or imprisoned in the Parish Jail not less than thirty days.

When in Effect

Sec. 3. Be it further enacted, etc., That this Act shall take effect and be in force from and after promulgation.

CONVICTS MAY BE WORKED ON LEVEES IN THE STATE, ETC.

Act 235 of 1918, P. 423

TITLE

AN ACT authorizing and directing the Board of State Engineers and the different District Levee Boards of the State of Louisiana to contract with the General Manager of the State Penitentiary to do any work that said Board of State Engineers or the District Levee Boards of the State may have to do, at the minimum price offered by any contractors bidding on the work offered, to such an extent as may be necessary to keep the penitentiary forces of the State continuously occupied.

Convicts May be Worked on Levees, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That hereafter, when the Board of State Engineers or any District Levee Board of this State advertises for bids on any work that said boards may have in building, enlarging or repairing the levees under their jurisdiction, they are hereby authorized and directed to tender, by preference, said work, or any part of same that he may select, to the General Manager of the State Penitentiary at the minimum price bid under said advertisement, and said boards are hereby authorized and directed to contract with the General Manager of the State Penitentiary to do said work, by preference, at the minimum price bid, provided that this applies only to such an amount of work, as, in the judgment of the Board of State Engineers said penitentiary forces are competent to do within the time and according to the specifications provided in the letting.

Convicts Not to be Sublet

Sec. 2. Be it further enacted, etc., That the object of this Act is to furnish to the penitentiary forces any and all work that they may be able to do in building and maintaining the levees throughout the State, and is specifically not intended to put the penitentiary forces in the position of taking contracts for the purpose of subletting.

Convicts to be Given Preference of Machine Work

Sec. 3. Be it further enacted, etc., That whenever the General Manager of the State Penitentiary is awarded a contract under the provisions of this Act, he shall, in the event that he deems it necessary or expedient to do any part of said contract with levee machines, give the preference on the machine work to the machine contractor who was the original low bidder on said work.

Repealing Clause

Sec. 4. Be it further enacted, etc., That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

CREWS OF FOREIGN VESSELS MAY NOT UNLOAD CARGO, ETC.

Act 76 of 1880, P. 88

TITLE

AN ACT restricting the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levee of the City of New Orleans, beyond the end of the ship's tackle.

Crews Not to Work Beyond Ship's Tackle

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That no sailor or portion of the crew of any foreign sea-going vessel shall engage in working on the wharves or levee of the City of New Orleans beyond the end of the vessel's tackle.

Penalty for Violation

Sec. 2. Be it further enacted, etc., That any officer, sailor or member of the crew of a foreign sea-going vessel, violating Section 1 of this Act, shall be deemed guilty of a misdemeanor, and on conviction shall be imprisoned not more than ten days.

To Whom This Act Does Not Apply

Sec. 3. Be it further enacted, etc., That the provisions of this Act shall not apply to the officers, sailors or others of the crew of a foreign vessel hailing from countries having any treaty or treaties with the United States to the contrary, nor to any contracts of which the United States Court have jurisdiction.

**EMPLOYERS MUST PAY INTEREST ON CASH BONDS OF
EMPLOYEES**

Act 31 of 1908, P. 33

TITLE

AN ACT to compel corporations, firms, or individuals, doing business

in this State, demanding of their employees a cash deposit as a guarantee for the faithful performance of the duties imposed on such employees, to pay to such employee a reasonable sum in interest on the amount so deposited, etc.

Employee's Cash Bonds Deposited to Draw Interest

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That all corporations, firms and individuals doing business in this State requiring of its or their employees a cash deposit as a guarantee for the faithful performance of the duties imposed upon such employees, shall pay to such employee in cash interest at the rate of not less than four per cent per annum on the cash sum so deposited.

When in Effect

Sec. 2. Be it further enacted, etc., That this Act shall go into effect immediately after its promulgation.

EMPLOYMENT OF SAILORS ON LEVEES PROHIBITED

Act 73 of 1874, P. 123

TITLE

AN ACT to prohibit the unlawful employment of sailors to do work upon the levees or banks of the rivers in this State, etc.

Employment Must be Confined to Duty

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That it shall be unlawful for any captain, master or mate of any sea-going vessel, or for any stevedore, to employ sailors at any work on the levees in the State of Louisiana not strictly belonging to and included in regular sailors' duty, as defined and prescribed by the maritime law governing the employment and duty of sailors.

Employment of Sailors by Force, etc.

Sec. 2. Be it further enacted, etc., That any captain, master or mate of any sea-going vessel who shall thus unlawfully employ any sailor within the jurisdiction of this State, or who shall by threats, punishment or duress, force any sailor thus to be employed, shall for each offense on conviction thereof be punished by a fine of not less than fifty dollars, or imprisonment of for not less than one month, or both, at the discretion of the Court.

Connivance of Stevedore Regulated

Sec. 3. Be it further enacted, etc., That any stevedore who shall work or connive at the working of any sailor thus employed shall be punished as provided for in Section 2 of this Act.

State and Municipal Officers, etc.

Sec. 4. Be it further enacted, etc., That all officers of the State or of the City of New Orleans are hereby prohibited from enforcing

by capture, arrest or otherwise any unlawful employment of sailors as above prohibited.

Unlawful Employment Prohibited; Protection Denied

Sec. 5. Be it further enacted, etc., That no captain, master or mate of any sea-going vessel who shall thus unlawfully employ any sailor, shall have the benefit of any law of the State or ordinances of the City of New Orleans heretofore enacted or that shall be enacted for the protection or assistance of captains, masters or mates in the enforcement of their contracts with sailors as against the sailor thus unlawfully employed.

Repealing Clause

Sec. 6. Be it further enacted, etc., That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act shall take effect from and after its passage.

FORCED TO TRADE WITH EMPLOYERS OR DESIGNATED PERSONS PROHIBITED

Act 188 of 1916, P. 427

TITLE

AN ACT to prohibit individual, person, firm or corporation to coerce or require any of their employees to deal with or purchase any article of food, clothing or merchandise from any designated person or persons, prohibiting punishment or blacklist, and making a violation of this Act a misdemeanor, etc.

Prohibiting Employers From Requiring Employees Trade, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That it shall hereafter be unlawful for any person, individual, firm or corporation acting either for themselves, or as agents or otherwise to coerce or require any of their employees to deal with or purchase any article of food, clothing or merchandise of any kind whatsoever from any individual, person, firm or corporation.

Unlawful to Punish or Blacklist Employees for Refusing to Trade, etc.

Sec. 2. Be it further enacted, etc., That it shall be unlawful for any individual, person, firm or corporation or employer of labor to exclude from work or to punish or blacklist any of said employees for failure to deal with another or to purchase any article of food, clothing or merchandise whatsoever from another or at any place whatsoever; provided, however, that this Act shall not apply to the sale and purchase of uniforms.

Penalty

Sec. 3. Be it further enacted, etc., That any violation of this Act shall be a misdemeanor and punishable by a fine of not less than fifty (\$50.00) dollars or more than one hundred (\$100.00) dollars, or imprisonment for at least thirty days or not more than ninety days, or both, at the discretion of the Court.

Repealing Clause

Sec. 4. Be it further enacted, etc., That this Act shall go into effect immediately after its promulgation and all laws or parts of laws in conflict herewith be and the same are hereby repealed.

HIRE, TENANT AND SHARE CONTRACTS DEFINED

Act 54 of 1906, P. 87

TITLE

AN ACT to enforce hire, tenant and share farming contracts, when money or goods are obtained thereon, and to punish their wilful violations; to make it an offense for persons not parties to said contract to wilfully interfere therein, and to prohibit the fraudulent arrest of and unlawful detention of persons under this Act, and prescribing penalties for the punishment thereof.

Misdemeanor for Share Hands to Violate Contracts; Penalty

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That whoever shall wilfully violate a hire, tenant or share contract, conditioned on the cultivation of land in this State, upon the faith of which contract money or goods have been advanced, by leaving the employ of the person or abandoning the land, the subject of the contract, without first tendering to the person by whom said money or goods was advanced, the amount of money or the value of the goods obtained, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than ten dollars (\$10), nor more than two hundred dollars (\$200), and in default of the payment of the fine shall be imprisoned in the parish jail for not more than ninety days at the discretion of the Court.

Intimidating Hired Persons to Violate Contract, etc.

Sec. 2. Be it further enacted, etc., That whoever shall wilfully interfere with, entice away, intimidate or induce a hired person, tenant or share hand to leave the service of the employer or to abandon the land the subject of the contract, or who shall knowingly take into his employ any such person before the expiration of the contract, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than ten dollars (\$10), nor more than two hundred dollars (\$200) for each offense, and shall be liable in a civil action for damages to double the amount of any debt due by said hired person, tenant or share hand to the person, who had made the advances.

Misdemeanor to Cause False Arrest or Detention; Penalty

Sec. 3. Be it further enacted, etc., That any person taking advantage of the provisions of this Act who shall falsely or fraudulently cause the arrest of, or otherwise unlawfully detain a hired person, tenant or share hand, who has not violated the contract, or after its expiration, such person shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than two hundred dollars

(\$200), nor more than five hundred dollars (\$500), or imprisonment for not less than thirty days nor more than sixty days.

Repealing Clause

Sec. 4. Be it further enacted, etc., That Act 50 of 1892, and all other laws or parts of laws in conflict herewith are hereby repealed; and it is provided, that none of the penalties prescribed by this Act, shall apply to any farming contract which may be made for a period longer than one year.

NOTE.—The accused was convicted of a violation of the Act and sentenced to pay a fine of fifteen dollars and costs of prosecution, and in default thereof to be imprisoned in the parish jail for twenty days. The accused moved to quash the indictment on the ground that the statute is repugnant to the thirteenth amendment to the Constitution of the United States, etc., denouncing the crime of peonage. The motion was over-ruled and the accused appealed. Motion to dismiss the appeal was sustained, as the Court was without jurisdiction over the sentence imposed. The raising of the federal question does not give the Supreme Court appellate jurisdiction. *State vs. Jones*, 128 L. 1097.

No mention is made in title of repealing clause.

LABELS, TRADEMARKS, ETC., PROTECTED

Act 49 of 1898, P. 56

TITLE

AN ACT to protect labels, trade marks, terms, designs, devices and forms of advertisements, and to provide penalties for violation thereof, etc.

Imitation of Labels, etc., Adopted by Workmen, etc., Protected

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, Whenever any person, or any association or union of workmen, has heretofore adopted or used or shall hereafter adopt or use any label, trade mark, term, design, device or form of advertisement for the purpose of designating, making known, or distinguishing any goods, wares, merchandise or other product of labor, as having been made, manufactured, produced, prepared, packed or put on sale by such person or association or union of workmen or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trade mark, term, design, device or form of advertisement, or to use, sell, offer for sale or in any way utter or circulate any counterfeit or imitation of any such label, trade mark, term, design, device or form of advertisement.

Penalty for Selling Such Label, etc.

Sec. 2. Be it further enacted, etc., Whoever counterfeits or imitates any such label, trade mark, term, design, device or form of advertisement; or sells, or offers for sale or in any way utters or circulates any counterfeit or imitation of any such label, trade mark, term, design, device or form of advertisement; or keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor to which or on which any such counterfeit or imitation is printed, painted, stamped

or impressed; or knowingly sells or disposes of any goods, wares, merchandise or other products of labor contained in any box, case, can or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, or keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor in any box, case, can or package to which or on which any such counterfeit or imitation is attached, affixed, printed, painted or stamped or impressed, shall be punished by a fine of not more than one hundred (\$100.00) dollars or imprisoned for not more than three (3) months.

Record of Labels, Trade Marks, etc., Adopted

Sec. 3. Be it further enacted, etc., Every such person, association or union that has heretofore adopted or used, or shall hereafter adopt or use a label, trade mark, term, design, device or form of advertisement as provided for in Section 1, of this Act, may file the same for record in the office of the Secretary of State by leaving two copies, counterparts or fac-similes thereof, with said secretary and by filing therewith a sworn application specifying the name or names of the person, association or union on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed; the class of merchandise and a description of the goods to which it has been or intended to be appropriated, stating that the party so filing or on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed, has the right to the use of same; that no other person, firm, association, union or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the fac-simile and counter-parts filed are true and correct. There shall be paid for such filing or recording a fee of one dollar. Said secretary shall deliver to such person, association or union so filing or causing to be filed any such label, trade mark, term, design, device or other form of advertisement so many duly attested certificates of the recording of the same as such person, association or union may apply for, for each of such certificates said secretary shall receive one dollar. Any such certificate of record shall in all suits and prosecutions under this Act be sufficient proof of the adoption of such label, trade mark, term, design, device or other form of advertisement. Said Secretary of State shall not record for any person, union or association any label, trade mark, term, design, device or form of advertisement that would probably be mistaken for any label, trade mark, term, design, device or form of advertisement heretofore filed by or on behalf of any other person, union or association.

Obtaining Registry by Fraud, etc.

Sec. 4. Be it further enacted, etc., Any person who shall for himself or on behalf of other person, association or union procure the

filing of any label, trade mark, term, design, device or form of advertisement in the office of the Secretary of State under the provisions of this Act, by making any false or fraudulent representations or declaration, verbally or in writing or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by and on the behalf of the party injured thereby in any court having jurisdiction and shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding three months.

Parties in Interest; Jurisdiction; Injunction, etc.

Sec. 5. Be it further enacted, etc., Every person, association or union adopting or using a label, trade mark, term, design, device or form of advertisement as aforesaid, may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof, and all courts of competent jurisdiction shall grant injunctions to restrain such manufacture, use, display or sale and may award the complainant in any such suit damages resulting from such manufacture, use, sale or display as may be by the said Court deemed just and reasonable, and shall require the defendants to pay to such person, association or union all profits derived from such wrongful manufacture, use, display or sale; and such court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such cause be delivered to an officer of the Court, or to the complainant, to be destroyed.

Imitation Constitutes Misdemeanor

Sec. 6. Be it further enacted, etc., Every person who shall use or display the genuine label, trade mark, term, design, device or form of advertisement of any such person, association or union in any manner not being authorized to do so by such person, union or association, shall be deemed guilty of a misdemeanor and shall be punished by imprisonment for not more than three months or by a fine not more than one hundred dollars. In all cases where such association or union is not incorporated, suits under this Act may be commenced and prosecuted by an officer or member of such association or union on behalf of and for the use of such association or union.

Violation and Penalty

Sec. 7. Be it further enacted, etc., Any person or persons who shall in any way use the name or seal of any such person, association or union or officer thereof in and about the sale of goods or otherwise, not being authorized to use the same, shall be guilty of a misdemeanor, and shall be punished by imprisonment for not more than three months, or by a fine of not more than one hundred dollars.

When in Effect

Sec. 8. Be it further enacted, etc., That this Act shall take effect and be in force from and after its passage.

NOTE.—The lower court refused to grant an injunction against the alleged illegal use of a trade mark. The plaintiff applied for a writ of mandamus, which the court declined to grant, as the applicant had omitted to bring into the Supreme Court copies of the labels, and in the absence of that information it could not be said that the ruling below was erroneous. *Standard Import Co. vs. New Orleans Import Co.*, 177 La. 633.

Plaintiff obtained an injunction against the defendant, against his use of a trade name. The injunction was dissolved on bond and the plaintiff applied for writs of certiorari and mandamus, after he had been denied a suspensive appeal. The writs were denied, as the alleged damages were compensable in money. *Goldstein vs. Harris*, 120 La. 744.

LABOR AGENCIES, ETC., REGULATED AND DEFINED

Act 145 of 1918, P. 251

TITLE

AN ACT to regulate the business of labor agents, or labor agencies, and fixing penalty for violation of the provisions of this Act, etc.

Labor Agents, Labor Agencies and Bureaus Defined

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That any person who solicits, hires or contracts with laborers, male or female, to be employed by persons other than himself, except as may be hereinafter provided, shall be deemed a labor agent.

Operated Under Supervision of Commissioner Labor

Sec. 2. Be it further enacted, etc., That the business of labor agents, or agencies, shall be under the supervision of the Commissioner of Labor and Industrial Statistics of the State of Louisiana.

License Regulated, etc.

Sec. 3. Be it further enacted, etc., That every person who engages in the business of a labor agent, except as herein below provided, shall pay unto the State of Louisiana an annual license tax of five hundred (\$500.00) dollars, but before any such license shall be issued, the applicant shall produce and file with the Commissioner of Labor a certificate from the Judge of the District Court of the Parish in which such labor agent proposes to have his office, or of the Parish in which he proposes to do business, certifying that to the personal knowledge of said Judge, or from the information of creditable witnesses under oath, he is satisfied that the said applicant is a person of good character and honest demeanor; provided, that labor agents in cities and towns in this State who have and keep a regular office in such city or town and who transact all of their business in such office, and who do not in person or by agent solicit, or hire, or contract, with laborers outside of such office, or attempt to do so, except by written telegraphic or telephonic communications, after securing a certificate from the judge as above required, shall be required to pay annually only twenty-five (\$25.00) dollars license tax unto the State of Louisiana for such privilege, and the license so paid for and obtained shall permit all the employees of such person who assist in the prosecution of such work in such office only, as aforesaid, to aid therein.

Bond Required; Deposited with State Treasurer, etc.

Sec. 4. Be it further enacted, etc., That in addition to securing the certificate and paying the license tax provided in this Act, every person who engages in the business of a labor agent, or who is now engaged in such business, shall furnish to the Commissioner of Labor a bond with good and solvent security in the sum of five thousand (\$5,000.00) dollars, conditioned that such person shall pay all such damages which may result from his actions as such labor agent; and that any one who may have been injured and damaged by said agent by fraud or misrepresentation of said agents shall have a right to sue on said bond to recover such damages before any court of competent jurisdiction. The bond furnished to the said Commissioner of Labor shall be by him filed in the office of the Treasurer of the State of Louisiana.

Penalty for Violations

Sec. 5. Be it further enacted, etc., That any person who shall violate the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than one hundred (\$100.00) dollars, nor more than five hundred (\$500.00) dollars, or imprisoned in the Parish jail for a period of not less than ten nor more than ninety days, or both fine and imprisonment at the discretion of the Court.

Does Not Repeal Act 54 of 1906

Sec. 6. Be it further enacted, etc., That this Act shall in no way interfere with or repeal the provisions of Act No. 54 of 1906 or acts amendatory thereto.

Construction of Act, etc.

Sec. 7. Be it further enacted, etc., That the provisions of this Act shall not be construed so as to prevent the employment or the solicitation of labor to cultivate or harvest agricultural products within the State of Louisiana.

Unconstitutional Provisions

Sec. 8. Be it further enacted, etc., That if for any reason any section or part of this Act shall be held to be unconstitutional or invalid, then that part shall not invalidate any other part of this Act, but the same shall be enforced without reference to the parts so held to be invalid.

Repealing Clause

Sec. 9. Be it further enacted, etc., That all laws or parts of laws in conflict herewith be and they are hereby repealed.

NOTE.—In a case of Schwartz applying for a certificate from the Judge certifying to the good moral character and honest demeanor, the same was denied by said Judge applied to on the grounds that such demand was violative of the Constitution of the State. However, such opinion does not invalidate the remaining part of said section, nor has the Supreme Court passed on the ruling of the lower Court. (Commissioner.)

LEGAL HOLIDAYS DEFINED**Act 6 of 1921, Extra Session, P. 7****TITLE**

AN ACT designating and defining the days of public rest, and legal holidays and half holidays in the State of Louisiana, etc.

Legal Holidays and Half Holidays; Notes When Payable, etc.

SECTION 1. Be it enacted by the Legislature of Louisiana, That the following shall be considered as days of public rest and legal holidays and half-holidays in this State, and no others, namely:

Sundays, the first of January, the eighth of January, the twenty-second of February, Good Friday, June the third, to be known as Confederate Memorial Day, the fourth day of July, the first Monday in September, to be known as Labor Day, October the twelfth, to be known as Christopher Columbus Day, the first of November, Thanksgiving Day, as designated by the President of the United States, November the eleventh, to be known as Armistice Day, the twenty-fifth day of December, and all general election days, whether Presidential, Congressional, State, Municipal or Parochial, in the localities where said elections are held; and in the Parish of Orleans, Mardi Gras, and also in cities and towns where the population shall exceed ten thousand, every Saturday from twelve o'clock noon until twelve o'clock midnight, to be known as a half-holiday; and all promissory notes, bills of exchange and commercial paper, which, by law or commercial usage, are required to be protested for non-payment, shall be deemed to be and shall be due and payable on the first day, not a Sunday or legal holiday or legal half-holiday, succeeding the day of its maturity; and in computing the delay allowed for giving notice of non-acceptance or non-payment of bill of exchange or promissory note or other commercial paper, the days of public rest or legal holidays or legal half-holidays, shall not be counted, and if the day or days next succeeding the protest for non-acceptance or non-payment shall be days of public rest, or legal holidays or legal half-holidays, then the day next following shall be computed as the first day after the protest. Provided, however, for the purpose of protecting or otherwise holding liable any party to any bill of exchange, check or promissory note and which shall not have been paid before twelve o'clock noon, on any half-holiday a demand or acceptance or payment may be made and notice of protest or dishonor thereof may be given on the next succeeding secular or business day.

And, provided, further, that when any person shall receive for collection any check, bill of exchange or promissory note due and presentable for acceptance or payment, on any half-holiday, such person shall not be deemed guilty of any neglect or omission of duty nor incur any liability in not presenting for payment or acceptance, or collecting such check, bill of exchange or promissory note on that day.

Provided, further, that it shall be lawful to file and record suits, deeds, mortgages and liens and to issue and serve citation and to take and execute all other legal proceedings, and to make sheriffs sales on Saturdays half-holidays.

Repealing Clause

Sec. 2. All laws and parts of laws in conflict herewith and more particularly Section 1114 of the Revised Statutes, Act 3 of 1904, Act 93 of 1912, Act 167 of 1918 and Act 121 of 1920, are hereby repealed.

LENDING OR ADVANCING OF MONEY DEFINED AND REGULATED

Act 204 of 1914, P. 390

TITLE

AN ACT to prohibit the lending or advancing of money at a greater rate of interest than eight per cent per annum or a greater discount than twenty per cent per annum, by persons other than licensed pawnbrokers and certain institutions incorporated for loaning money, and fixing penalties for the violation of this Act.

Rate of Interest and Discount Defined

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That it shall be unlawful for any individual, firm or corporation for his or her or their own account or for that of any other person, firm or corporation to lend or advance money at a greater rate of interest than eight per cent per annum or at a greater discount than twenty per cent per annum.

Penalty

Sec. 2. Be it further enacted, etc., That any individual or the members of any firm or the officers of any corporation who shall violate the provisions of the preceding section of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five or more than one hundred dollars or imprisoned not more than three months or both at the discretion of the Court.

To Whom This Act Does Not Apply

Sec. 3. Be it further enacted, etc., That this Act shall not be held to apply to pawnbrokers, nor to building and loan or homestead associations authorized to do business in this State, nor shall it apply to banks, bankers, trust companies or savings banks, or to any transaction with banks, bankers, trust companies or savings banks, or to loans made by manufacturers or merchants to their customers..

Repealing Clause

Sec. 4. Be it further enacted, etc., That all laws or parts of laws in conflict herewith be and are hereby repealed.

LUNCH HOUR FOR RETAIL CLERKS

Act 195 of 1904, P. 429

TITLE

AN ACT to compel firms or corporations engaged in retail business in cities of more than fifty thousand inhabitants, to allow their clerks at least one hour of the day for their midday meal, lunch or recreation, etc.

Lunch Hour Provided For

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That hereafter it shall be unlawful for any proprietor or proprietors, firm or corporation doing business in this State, in cities of more than fifty thousand inhabitants, engaged in the retail business, or conducting retail department stores or retail establishments, not to allow their clerks at least one hour of the day, between the hours of 10:00 A. M. and 3:00 P. M. for their midday meal, lunch or recreation.

Penalty for Violation

Sec. 2. Be it further enacted, etc., That any proprietor, or proprietors, firm or corporation, found guilty of, or evading the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), and in default of payment thereof be imprisoned not less than fifteen days (15) nor more than six (6) months.

Repealing Clause

Sec. 3. Be it further enacted, etc., That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

**MECHANICS EMPLOYED ON PUBLIC BUILDINGS;
REQUIREMENTS, ETC.**

Act 271 of 1908, p. 398

TITLE

AN ACT requiring that mechanics employed on all State or public buildings or public works in cities exceeding ten thousand (10,000) population throughout the State, shall be citizens of the State, except under certain conditions, and shall have paid one (1) poll tax; and providing penalties for the violation of its provisions, etc.

Only Citizens of Louisiana to be Employed on Public Buildings, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That every contractor, superintendent or duly authorized agent engaged in the construction of any State or public building or public works for the State of Louisiana, in cities whose population exceeds ten thousand (10,000) shall employ only mechanics who are citizens of the State and who have paid their poll tax for the current or next preceding year prior to engaging in the work.

When Others May Be Employed

Sec. 2. Be it further enacted, etc., That in the event mechanics, where such works or buildings are being constructed, are not available, then such contractor, superintendent or duly authorized agent, shall notify the mayor of the city wherein the work is being done, and unless the mayor of said city shall forthwith supply such contractor, superintendent or duly authorized agent with the mechanics needed, said contractor, superintendent or duly authorized agent shall be authorized to employ mechanics who are not citizens of the State of Louisiana, to make up the deficiency, provided that nothing herein shall be construed to prevent the State of Louisiana or any parochial or municipal corporation from placing or letting any contract for the erection or construction of any public building or public work, in the open market, and soliciting bids from persons or corporations without the State of Louisiana.

Penalties Imposed

Sec. 3. Be it further enacted, etc., That any contractor, superintendent or duly authorized agent violating any of the provisions of this Act, shall be liable, after conviction before a court of competent jurisdiction, to a fine of not more than one hundred dollars (\$100.00) or imprisonment of not more than sixty (60) days, or both, at the discretion of the Court.

MUNICIPAL FREE EMPLOYMENT BUREAUS

Act 307 of 1914, p. 632

TITLE

AN ACT authorizing any city to establish and maintain a free employment bureau, without giving bond or paying a license, etc.

Authorizing the Establishment of Bureau

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That municipalities are hereby authorized and empowered, by ordinances of the Council, to establish and maintain a free employment bureau, and no bond shall be required in connection therewith nor shall any license whatever, or taxes of any kind, be assessed or levied against such agency.

No Fees to be Collected, etc.

Sec. 2. Be it further enacted, etc., That no fees, of any nature whatever, be required for any purpose, by such municipal employment bureau.

Repealing Clause

Sec. 3. Be it further enacted, etc., That all laws or parts of laws in conflict herewith be, and the same are, hereby repealed.

REDEMPTION OF TICKETS OR OTHER SUBSTITUTE FOR CASH**Act 228 of 1908, p. 345****TITLE**

AN ACT making any person, firm or corporation liable on demand in current money of the United States, to any legal holder thereof, for the full face value of any checks, punchouts, tickets, tokens or other device, issued by them and redeemable either wholly or partially in goods or merchandise at their, or any other place of business; providing for the enforcement of this Act, etc.

Tickets, Check, etc., Redeemable in Cash at Full Face Value

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That any person, firm or corporation issuing checks, punchouts, tickets, tokens, or other device, redeemable wholly or partially in goods or merchandise at their, or any other place of business, shall, on demand of any legal holder thereof, on the next pay day of such person, firm or corporation issuing same succeeding the date of issuance of same be liable for the full face value thereof, in current money of the United States.

Payable to Bearer on Demand

Sec. 2. Be it further enacted, etc., That any such checks, punchouts, tickets, tokens, or other device, issued by any person, firm or corporation, shall be considered and treated as payable to bearer, on demand, in current money of the United States, notwithstanding any contrary stipulation or provision which may be therein contained.

Damages for Failure to Pay; Interest and Fees

Sec. 3. Be it further enacted, etc., That in case of failure of any person, firm or corporation to pay any legal holder of any such checks, punchouts, tickets, tokens, or other device, issued by them, the full face value thereof, in current money of the United States, when so demanded, such holder may immediately bring suit thereon in any court of competent jurisdiction, and, in addition to recovering the full face value thereof, with legal interest from demand, may recover ten per cent. of said amount as attorney's fees recoverable in the same suit.

When in Effect

Sec. 4. Be it further enacted, etc., That this Act shall take effect from and after its promulgation.

NOTE.—A trade check in the form of a promissory note payable to bearer in merchandise, if not an order for money, is a "note" within the statute against the forgery of notes, orders, etc. State vs. White, 126 L. 119.

This Act does not violate any provision of the Constitution of the United States. Regan vs. Tremont Lumber Co., 134 L. 199.

Pleading Res. Judicata, etc., connected with the Act. New York Mercantile Co. vs. Cady Lumber Co., 133 L. 729.

**RIVER PORT PILOTAGE REGULATED, RATES OF PAY,
VIOLATIONS, ETC.**

Act 9 of 1918, p. 15

TITLE

AN ACT to amend and re-enact Section 1 of Act 148 of 1914 entitled "An act to regulate the system of river port pilotage of the Port of New Orleans; providing for a board of river port pilots commissioners and defining its duties; providing the qualifications of river port pilots and fixing their charges; providing penalties for violations of this;" and Section 7 of Act 54 of 1908, entitled "An act to regulate the system of river port pilotage of the Port of New Orleans; providing for a board of river port pilot commissioners and defining its duties; providing the qualifications of river port pilots and fixing their charges; providing penalties for violations of this Act."

Port Pilot Commissioners Created

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That the Governor shall appoint, by and with the advice and consent of the Senate, three (3) citizens who shall form the Board of River Port Pilot Commissioners for the Port of New Orleans. The first commissioner shall be appointed from those pilots who have for at least one year immediately preceding the passage of this Act, exercised the functions of river pilots, from the head of the Passes to the Port of New Orleans upon sea-going vessels; and thereafter said appointments shall be exclusively made from river port pilots, by virtue of this Act commissioned. The Governor, in appointing said commissioners, shall designate the president of the Board. Said commissioners shall be removable by the Governor for cause, and shall qualify by taking an oath of office.

Twenty-eight River Pilots to be Appointed

Sec. 2. Be it further enacted, etc., That there shall be a body of pilots known as "River Port Pilots," whose duty it shall be to pilot sea-going vessels from the head of the Passes opposite Pilot Town, to the Port of New Orleans and return. There shall be twenty-eight (28) such pilots, appointed and commissioned by the Governor immediately upon the promulgation of this Act.

Pilots to be Selected from Those now so Engaged

Sec. 3. Be it further enacted, etc., That the first twenty-eight (28) river port pilots hereinabove provided for in Section 2 shall be appointed by the Governor from those pilots who have been actively and continuously engaged for one year previous to the passage of this Act in piloting sea-going vessels from the head of the Passes to the Port of New Orleans and return, and thereafter there shall not be less than twenty such pilots.

Additional Pilots may be Appointed

Sec. 4. Be it further enacted, etc., That whenever there exists a necessity for more pilots among the river port pilots, the said Board of River Port Pilot Commissioners shall hold examinations, under such rules and regulations, and with such requirements as they shall have provided, with the Governor's approval; provided that no applicant shall be considered by said Board unless he submits proper evidence of moral character and is a voter of this State, and shall have served six months' apprenticeship in his proposed calling, and upon the certificate of the Board to the Governor that the applicant has complied with the provisions of this Act, the Governor may, in his discretion, appoint to existing vacancies.

Oath and Bond of Pilots

Sec. 5. Be it further enacted, etc., That all of said river port pilots shall take an oath of office, and furnish bond to the extent of One Thousand (\$1,000.00) dollars, approved by the Board of Commissioners of the Port of New Orleans.

Pilots May Form Association

Sec. 6. Be it further enacted, etc., That said river port pilots may form themselves into an association or associations, as to them may seem fit, not in conflict with law or rules and regulations of the River Port Pilot Commissioners.

Fee Fixed at \$2.00 per Foot; How Paid, etc.

Sec. 7. Be it further enacted, etc., That said River Port Pilots shall be entitled to ask and receive a pilotage fee of Two Dollars (\$2.00) per foot of water drawn by vessels piloted by them up or down the Mississippi River.

This charge shall be paid by every vessel subject to pilotage entering and leaving the Port of New Orleans, provided that should any vessel have a draft of less than ten feet the pilotage charge shall be Twenty Dollars. When pilot services are timely offered and refused, said vessel shall pay said charges.

That said river port pilots shall be entitled to demand and receive from every vessel subject to pilotage entering or leaving this port an additional charge of Five (\$5.00) Dollars per day for every day she may be detained at quarantine station; Provided, said pilots be detained on board his vessel. Said pilotage fee and said additional charge of Five (\$5.00) Dollars per day shall bear as a lien upon the vessel, which lien shall prescribe within one year, should the said vessel return to Port of New Orleans within said time.

Vessels of one hundred (100) tons or under, lawfully engaged in the coastwise trade of the United States, shall not be required to take a pilot, unless the master of such vessel demand pilot service.

Incompetency of Pilots; How Tried

Sec. 8. Be it further enacted, etc., That it shall be the duty of the Board of River Port Pilot Commissioners to report immediately all cases

of incompetency, carelessness, especially charges of carelessness or incompetency in connection with damages caused to or by the ship of which the pilot had charge, neglect of duty, habitual drunkenness and gross violations of its rules to the Governor, who, thereupon, shall refer same for investigation and report to said Board, together with the Commissioners of the Port of New Orleans, and the said Board of Pilot Commissioners and the said Commissioners of the Port of New Orleans shall jointly sit as investigators, who shall report their findings to the Governor, recommending a penalty. Whereupon, he may remove, suspend or reprimand in his discretion.

Anyone attempting to exercise the functions herein vested in river port pilots who has not been commissioned by the Governor, shall be fined not less than twenty-five (\$25.00) dollars, nor more than two hundred (\$200.00) dollars, or imprisoned not less than thirty (30) days nor more than four months, or both, at the discretion of the Court in whose jurisdiction the offense is committed.

Soliciting Business Prohibited

Sec. 9. Be it further enacted, etc., That no river port pilot shall solicit from the masters, officers, crew or passengers of any vessel piloted by him, business or employment of any kind or nature whatsoever, for himself or for any other person. It shall be the duty of the Governor, if upon due inquiry it shall appear that any river port pilot has violated the provisions of this Section, to revoke or suspend the commission of said river port pilot.

Repealing Clause. (As amended by Act 9, 1918.)

Sec. 10. Be it further enacted, etc., That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

STATE BOARD OF ARBITRATION CREATED

(Constitutional Provisions, Article III, Section 36 of the Constitution of 1921, p. 57. It Shall Be the Duty of the Legislature to Pass

Such Laws as May Be Proper and Necessary to

Decide Differences, with the Consent of
the Parties, by Arbitration)

Act 139 of 1914, p. 174

TITLE

AN ACT to provide for State Board of Arbitration for the settlement of differences of employers and employees, etc.

Board of Arbitration Created

SECTION 1. The Governor of the State, with the advice and consent of the Senate, shall appoint five competent persons to serve as a Board of Arbitration and Conciliation in the manner hereinafter provided. Two of them shall be employers, selected or recommended by some association or board representing employers of labor, two of them shall be employees selected or recommended by the various labor organizations and not

an employer of labor, and the fifth shall be appointed upon the recommendation of the other four; provided, however, that if the four appointed do not agree on the fifth man at the expiration of thirty days, he shall be appointed by the Governor; provided, also, that if the employers or employees fail to make their recommendations as herein provided within thirty days, then the Governor shall make said appointments in accordance with the spirit and intent of this Act; said appointments, if made when the Senate is not in session, may be confirmed at the next ensuing session.

Terms of Office, Vacancies, etc.

Sec. 2. Two shall be appointed for two years, and two for three years, and one, the fifth member, for four years, and all appointments thereafter shall be four years, or until their successors are appointed in the manner above provided. If for any reason a vacancy occurs at any time, the Governor shall in the same manner appoint some person to serve out the unexpired term.

Organization of Board, etc.

Sec. 3. Each member of said Board shall before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman, and one of their number as secretary. The Board shall, as soon as possible after its organization, establish rules of procedure.

Procedure and Duties

Sec. 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the State, exists between an employer, whether an individual, co-partnership, or corporation, and his employees, if at the time he employs not less than twenty persons in the same general line of business in any city or parish of this State, the Board shall, upon application as hereinafter provided and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute.

Decisions to be Recorded

Sec. 5. Such mediation having failed to bring about an adjustment of the said differences, the Board shall immediately make out a written decision thereon. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said Board, and a short statement thereof published in the annual report hereinafter provided for, and the said Board shall cause a copy thereof to be filed with the clerk of the court of the city or parish where said business is carried on.

Application for Arbitration

Sec. 6. Said application for arbitration and conciliation to said

Board can be made by either or both parties to the controversy; and shall be signed in the respective instances by said employer or by a majority of the employees in the department of the business in which the controversy or differences exist, or the duly authorized agent of either or both parties. When an application is signed by an agent claiming to represent a majority of such employees, the Board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving authority shall be kept secret by said Board.

Grievances Must Be Set Out in Application

Sec. 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application without any lockout or strike until the decision of said Board if it shall be made within ten days of the date of filing of said petition.

Procedure, etc.

Sec. 8. As soon as may be after the receipt of said application, the secretary of said Board shall cause public notice to be given of the time and place for the hearing therein, but the public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the Board may order, and the Board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the Board shall proceed no further therein until said petitioner or petitioners have complied with every order and requirement of the Board.

Summoning Witnesses

Sec. 9. The Board shall have power to summon as witnesses any operative in the department of business effected and any person who keeps the record of wages earned in these departments, and examine them under oath and to require the production of books and papers containing the record of wages earned or paid. Summons may be signed and oaths administered by any member of the Board. The Board shall have the right to compel the attendance of witnesses or the production of papers.

Application by Mayor or Judge

Sec. 10. Whenever it is made to appear to the Mayor of a city or the Judge of any District Court in any parish, other than the parish of Orleans, that a strike or lockout is seriously threatened or actually occurs, the Mayor of such city or the Judge of the District Court of such parish, shall at once notify the State Board of the fact. Whenever it shall come to the knowledge of the State Board either by the notice of the Mayor of a city or the Judge of the District Court of the parish, as provided in the preceding part of this section or otherwise, that a

lockout or strike is seriously threatened, or has actually occurred, in any city or parish of this State, involving an employer and his present or past employees, if at the time he is employing or up to the occurrence of a strike or lockout was employing not less than twenty persons in the same general line of business in any city or parish in the State, it shall be the duty of the State Board to put itself in communication as soon as may be with such employer and employees.

Duty of Board When Called

Sec. 11. It shall be the duty of the State Board in the above described cases to endeavor, by mediation or conciliation to effect an amicable settlement between them, and to endeavor to persuade them, provided a strike or lockout has not actually occurred or has not been then continuing to submit the matters in dispute to the said State Board of Arbitration and Conciliation; and the State Board shall, whether the same be mutually submitted to them or not, investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and shall make and publish a report finding such cause or causes, and assigning such responsibility or blame. The Board shall have the same powers for the foregoing purposes as are given it by Section 9 of this Act.

Reports of Board to Governor Biennially

Sec. 12. That said State Board shall make a biennial report to the Governor and Legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the Board, and such suggestions as to legislation as may seem to the members of the Board conducive to the relations of and disputes between employers and employees.

Compensation of Board

Sec. 13. The members of the State Board of Arbitration and Conciliation hereby created shall each be paid five dollars a day for each day of actual service, and their necessary traveling and other expenses. The chairman of the Board shall, quarterly, certify the amount due each member, and on presentation of his certificate the Auditor of the State shall draw his warrant on the Treasury of the State for the amount.

When in Effect

Sec. 14. Be it further enacted, etc., That this Act shall take effect and be in force from and after its passage.

NOTE.—Apprehension that the conclusions and decision of the Board will be erroneous is not ground for an injunction. *R. R. vs. Board*, 47 A. 874.

Board may investigate without the consent of both parties. It is not bound in all things to decide according to technical rules of law, but it is bound by statute and broad general principles of law and equity. Injunction will not issue to control action, unless irreparable injury is evident. *N. O. City and Lake R. R. Co. vs. State Board of Arbitration*, 47 A. 874.

STATE FREE EMPLOYMENT OFFICES

Act 98 of 1921, E. S., P. 206

TITLE

AN ACT to create State Free Employment offices; the operation of same to be under the supervision of the Commissioner of Labor and Industrial Statistics; defining his powers and duties, etc.

State Free Employment Bureaus Created

SECTION 1. Be it enacted by the Louisiana Legislature, That from and after the passage of this Act, there shall be established, created, maintained and operated by the State of Louisiana, under the supervision of the Commissioner of Labor and Industrial Statistics, free employment bureaus, the same to be located at such points as may be hereafter designated by the Commissioner of Labor and Industrial Statistics.

Duties of Commissioner of Labor; Records, etc.

Sec. 2. That it shall be the duty of the Commissioner of Labor and Industrial Statistics and his assistants, to file and keep a correct list of all persons seeking employment, listing all such persons under their respective trades and occupations, and shall use all reasonable means to secure employment for such applicants. That it shall be the duty of the Commissioner of Labor and Industrial Statistics and his assistants to keep a correct file of all employers seeking help, and every reasonable means will be used to secure said employers such help as may be requested.

To Inquire into both Employer and Employee

Sec. 3. That for the purpose of conserving labor in the State, and preventing a useless turnover of labor, and to prevent, as far as possible, the unnecessary expenditure of money to both employer and employee, the Commissioner of Labor and Industrial Statistics is hereby enjoined to ascertain as far as possible, the fitness of the applicant seeking work, and the reliability of employers seeking help.

Blank Forms to be Furnished on Request

Sec. 4. That the Commissioner of Labor and Industrial Statistics shall formulate and have printed such application blanks as may be necessary for use by both employer and employee and the same shall be furnished free upon application being made for same.

No Fees to be Collected, etc.

Sec. 5. That no fees of any kind, whatsoever shall be collected or charges made for any service performed in the interest of the workers or employers, and that every employer and every person seeking employment in the State of Louisiana shall be permitted to enjoy the full benefits of said free employment bureaus without cost.

Penalty

Sec. 6. That anyone violating the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five (\$5.00) dollars nor more than twenty-five (\$25.00)

nor imprisoned less than five (5) days nor more than twenty (20) days in the parish prison, or both, at the discretion of the Court.

Repealing Clause

Sec. 7. Be it further enacted, etc., That all laws in conflict herewith be and the same are hereby repealed.

VIOLATION OF SHARE LABOR CONTRACT ON PLANTATIONS DEFINED

Act 50 of 1892, P. 71

TITLE

AN ACT to enforce labor contracts and to provide a penalty for wilful violation thereof, and to make it a misdemeanor for persons, not parties to said contracts, to wilfully interfere therein and providing punishment thereof, etc.

Violation of Labor Contract; Interference, etc.

SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That whoever shall wilfully violate a contract of labor upon the faith of which money or goods have been advanced and without first tendering to the person from whom said money or goods was obtained, the amount of money or value of the goods, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than ten (\$10) dollars nor more than two hundred (\$200) dollars, and in default of payment thereof with costs shall be imprisoned in the parish jail not more than ninety (90) days at the discretion of the Court.

Enticing Away or Interfering with Laborers, etc.

Sec. 2. Be it further enacted, etc., If any one shall wilfully interfere, entice away, knowingly employ or induce a laborer before the expiration of his contract as herein provided, to leave his employer before the expiration of his contract, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than ten (\$10) dollars nor more than two hundred (\$200) dollars, for each person so enticed or employed, and shall be liable in double the amount of damages in a civil action which such employer may suffer by such abandonment.

Penalty on False Arrest

Sec. 3. Be it further enacted, etc., If any person availing himself of the provisions of this Act, shall falsify or fraudulently cause an arrest to be made, or with the intent to unlawfully and wrongfully detain any laborer or person, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than two hundred and fifty (\$250) dollars nor more than five hundred (\$500) dollars, at the discretion of the court, and in default of the payment of said fine and costs, he shall be imprisoned for not less than thirty (30) nor more than sixty (60) days.

Scope of Act; Repealing Clause

Sec. 4. Be it further enacted, etc., That all laws or parts of laws, in conflict herewith, are hereby repealed; provided, that none of the penalties prescribed by this Act shall apply to any contract of labor which may be for a longer period than one year.

NOTE.—Sec. 5, Act 54, 1906, p. 87, expressly repeals this Act, but there is no recital of repeal in the title, and repugnancy between the two acts is not apparent.

State vs. Murray, 116 La. 655.

State vs. Goff, 106 La. 270.

A civil action will not lie under the statute until after a criminal conviction, Kline vs. Eubanks, 109 La. 241; Wolf vs. Pants Co., 113 La. 388.

**SENATE CONCURRENT RESOLUTION;
WOMEN WORKERS**

Act 44 of E. S. 1917, P. 76

TITLE

Equal pay for women performing mens' work.

Whereas, many men, now occupying positions in commercial, State and parochial occupations, have been called into active service in defense of the United States in war with the Imperial German Government, and,

Whereas, many of these positions must necessarily be filled by women, Be It Resolved by the Senate, the House of Representatives concurring, that when women are employed to fill the positions and occupations herein before referred to, the compensation paid women, performing the same work as was formerly done by men, shall be of equal amount to that paid to men.

**SENATE CONCURRENT RESOLUTION;
HOUSING COMMISSION**

Act 19 of 1920, P. 19

TITLE

Louisiana State Housing Commission Created.

Whereas, There is a tremendous and unsatisfied demand for more and better housing in the cities of Louisiana, and

Whereas, There is no general agreement in Louisiana as to the best method of promoting the building of homes so as to make up the shortage, which has caused an acute situation from which the wage earners are suffering more than any other class, and

Whereas, It is essential to the welfare of the State that better housing conditions, including construction, location and spacing, be provided for the wage earners of the State.

Therefore, Be It Resolved, by the Senate and the House of Representatives of the State of Louisiana, That a commission, to be known as the Louisiana State Housing Commission is hereby created and is composed of nine members to be appointed by the Governor, one to be selected from the membership of the Louisiana Chapter of the American

Institute of Architects, one from a bank clearing house in this State, one from the Board of Trade of New Orleans, one from the Association of Commerce in New Orleans, one from the Contractors and Dealers Exchange in New Orleans, one from the Board of State Engineers, one from the Carpenters Union in New Orleans, one from the members of the Louisiana Bar Association in New Orleans and one from the officers of any Homestead Association in New Orleans.

Be It Further Resolved, That this commission shall first meet in New Orleans at a place to be designated by the Governor at a time named by the Governor and shall then meet at other times as decided by a majority of the commission. The commission shall elect a chairman and a secretary and shall adopt rules for the conduct of its business in carrying out the purposes of this resolution.

Be It Further Resolved, That the commission shall formulate a report to the Governor and the Governor is hereby authorized to direct the public printer to print a sufficient number of copies of such report to send one to every member of the General Assembly, one to every official of each municipality having more than 20,000 inhabitants and one to the president of every trade organizations or exchange in such municipalities.

Be It Further Resolved, That it shall be the duty of the commission to recommend a definite plan for the promotion of the building of homes in the cities of Louisiana, to recommend such changes in the laws and constitution of the State as will bring about better and more adequate housing of the wage earners and in general report on all matters affecting or pertaining thereto.

HOUSE CONCURRENT RESOLUTION; PAY OF POSTAL EMPLOYEES

Act 7 of 1920

TITLE

Pay of postal employees.

Whereas, the Congress of the United States has, about 14 months ago, appointed a Postal Wage Commission composed of United States Senators and Representatives to adjust wages paid the employees of the postal service, and in doing so has conceded that the salaries existing are inadequate to meet the demands of the high cost of living; and,

Whereas, the said Wage Commission has heard unvarying stories in every city that it visited—employees leaving the service on account of low wages and incompetent and inexperienced men coming into their places—and up to the present time no report has been rendered, to the utter demoralization of the postal service and growing discontent of its loyal employees;

Therefore, Be It Resolved, by the Senate of the State of Louisiana, the House of Representatives concurring, that, pending the report of the Wage Commission, our Senators and Representatives in Congress be urged to immediate action in securing for the postal employees an adequate

living salary commensurate with living conditions in the positions they occupy, thereby alleviating the present discontent and discouragement of the employees, and saving the postal system from ruin and disruption to the detriment of the public in general.

**HOUSE CONCURRENT RESOLUTION;
REGARDING UNEMPLOYMENT**

Act 15 of 1922, P. 15

TITLE

Regarding Unemployment.

Whereas, the unemployment of millions of people in this country is one of the gravest questions now confronting the nation; it being estimated by good authorities that the nation has sustained a loss of six billion five hundred thousand dollars in the past year on account of the unemployment of these people; and

Whereas, this condition has become so alarming that the United States Government has called a conference of representative people to consider ways and means of providing employment for the unemployed; and also to prevent further unemployment, loss and suffering which have resulted from such condition; and

Whereas, the conference has recommended that the several states and municipalities proceed at the earliest date possible to engage in all contemplated public work and improvement which will furnish employment to the people of the State and city, thereby relieving the unemployed and preventing further loss and suffering; and

Whereas, the conference has also recommended that private industries working on full time, should work their regular force part of the time so as to arrange for the employment of those unemployed also for a part of the time, in order to relieve the above recited condition due to lack of employment; therefore,

Be It Resolved by the House of Representatives of the State of Louisiana, the Senate concurring, that in view of the conditions of unemployment now prevailing, that the State of Louisiana proceed at the earliest possible date with all contemplated public work and improvements.

CONSTITUTIONAL AMENDMENTS OF 1921

CONVICT LABOR REGULATED, ETC.

Convict Labor Regulated, etc.

Section 3, Article 3, p. 56

The Legislature may authorize the employment under State supervision and the proper officers and employees of the State, of convicts on public roads or other public works, or convict farms, or in manufacturies owned or controlled by the State, under such provisions and restrictions as may be imposed by law, and shall enact laws necessary to carry these provisions into effect; and no convict sentenced to the State penitentiary shall ever be leased or hired to any person or persons, or corporation, private or public, or quasi-public, or board, save as herein authorized.

NOTE.—Prison Labor Contracts, construed as "net rental," see *State vs. James*, 47 La. Ann. 173, 16 So. 751, and 6 La. Dig. Prisons and Convicts, p. 217.

Price of Manual Labor Prohibited; Minimum Wage for Women, etc.

Section 7, Article 4, p. 65

No law shall be passed fixing the price of manual labor, but the Legislature, through a commission or otherwise, may establish minimum wages for and regulate the hours and working conditions of women and girls, except those engaged in agricultural pursuits or domestic service.

NOTE.—Laws fixing price of labor. This provision against laws fixing the price of manual labor, applies exclusively to voluntary contract labor, and not to convict labor or involuntary work in lieu of a fine. *Monroe vs. Meuer*, 35 La. Ann. 1192.

The liberty of contract relating to labor includes both parties to it; the one has as much right to purchase as the other to sell labor, and this liberty of contract is protected by the Federal Constitution to the extent that states have no right to interfere with it, except in cases involving the safety, health, morals and general welfare of the public. *State vs. Barba*, 132 La. 768, 61 So. 784, 45 L. R. A. (N. S.) 546, Ann. Cas. 1914 D, 1261.

Street and road laborers. A statute purporting to protect laborers on streets does not include laborers on roads. *State vs. Jackson*, 137 La. 741, 69 So. 158.

Labor laws affecting women. The Act 301 of 1908, regulating the employment of children and women, was held valid in constitutional exercise of legislative power. *State vs. Rose*, 125 La. 462, 51 So. 496, 26 L. R. A. (N. S.) 821.

"Labor" or "work." The word "work" has a much more comprehensive meaning than the term "labor." "Work" has been defined thus: "To exert oneself for a purpose; to put forth effort for the attainment of an object; to be engaged in the performance of a task, duty or the like."—Webster. The term as thus defined covers all forms of physical or mental exertions, or both combined, for the attainment of some object other than recreation or amusement. This includes acting or performing on the stage. *State vs. Rose*, 125 La. 462, 51 So. 496, 26 L. R. A. (N. S.) 821.

The word laborer does not include the mechanic, when used in reference to the building trade. *New Orleans vs. O'Neill*, 43 La. Ann. 1182, 10 So. 245.

REVISED STATUTES, SECTION 902, CONSTITUTION OF 1921

Laborers not to be Discharged for Political Opinions, etc.

(R. S., Section 902.) Any planter, manager, overseer, or other employer of laborers in this State, who shall, previous to the expiration of the term of service of any laborer in their employ, or under their control, discharge from their employ any laborer or laborers on account of their political opinions, or who shall attempt to control the suffrage or

votes of such laborers by any contract or agreement whatsoever, entered into at any time with such laborers, shall pay a fine of not less than one hundred dollars, nor more than five hundred dollars, to be recovered before any court of competent jurisdiction, and it shall be the duty of the District Attorney **protempore** of the parish in which such offender resides, to institute such suit in the name of the parish of the offender's residence, and that he shall be entitled to twenty-five per cent of the amount of all fines he may recover as his fees in the case, and the balance shall be paid to the treasurer of the common school fund of such parish for the use of common schools in such parish, and upon conviction for any such offense such offender shall be imprisoned not exceeding one year.

